Journal of the House

State of Indiana

122nd General Assembly *First Regular Session*

Thirty-Sixth Day **Thursday Morning** **April 8, 2021**

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 10:30 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Thompson.

The Speaker ordered the roll of the House to be called:

Abbott
Andrade
Austin
Aylesworth
Baird
Barrett
Bartels
Bartlett
Bauer
Behning
Borders ☐
Boy
Brown, T.
Campbell
Carbaugh
Cherry
Clere
Cook
Davis
Davisson ☐
DeVon
DeLaney
Dvorak ☐
Eberhart ☐
Ellington
Engleman
Errington
Fleming
Frye ☐
GiaQuinta
Goodrich
Gore
Gutwein
Hamilton
Harris
Hatcher ☐
Hatfield ☐
Heaton
Heine
Hostettler ☐
Jackson
Jacob
Jeter
Johnson
Jordan
Judy
Karickhoff
King
Klinker ☐
Lauer
Ledbetter
Lehe
Lehman
Leonard
Lindauer
Lucas
Lyness
Manning ☐
May
Mayfield
McNamara
Miller
Moed ☐
Morris
Morrison
Moseley ☐
Negele
Nisly
O'Brien
Olthoff
Pack
Payne
Pfaff
Pierce
Porter ☐
Prescott
Pressel ☐
Pryor
Rowray
Saunders ☐
Schaibley
Shackleford
Slager
Smaltz ☐
Smith, V. ☐
Snow
Soliday ☐
Speedy
Steuerwald
Summers ☐
Teshka
Thompson
Torr
VanNatter
Vermilion
Wesco
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 370: 81 present; 19 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 12, 2021, at 11:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 34

Representative Andrade introduced House Resolution 34:

A HOUSE RESOLUTION honoring Dr. Juan Andrade Jr. for being named a 2020 Top 50 Latino influencer.

Whereas, Dr. Juan Andrade Jr. was a political commentator on ABC 7 television and over the radio at WGN radio. He was also a columnist for the Chicago Sun Times. Dr. Andrade is the only national Latino leader to be regularly featured on English and Spanish language radio and television;

Whereas, Dr. Juan Andrade Jr. is a champion for education and continual personal and professional development, having earned five degrees as well as five honorary doctorates. Dr. Andrade is recognized as a distinguished alumnus by Howard Payne University, Northern Illinois University, and Loyola University Chicago;

Whereas, Dr. Andrade has made a global impact by working towards establishing a democracy in Mexico, Guatemala, Nicaragua, Panama, Colombia, Paraguay, Bolivia, Guyana, Suriname, and Haiti;

Whereas, Henry "Hank" Lacayo, Ray Gonzalez, and Willie Velasquez were crucial in helping Dr. Andrade in the founding of the United States Hispanic Leadership Institute in 1982, where Dr. Andrade remains as the president;

Whereas, The United States Hispanic Leadership Institute has registered 2.3 million voters, published 425 Latino demographics studies, trained more than one million present and future leaders, and awarded more than $1.3 million in scholarships and internships;

Whereas, Dr. Juan Andrade Jr. is one of four Latinos to be honored by both the United States and Mexico. He received the Presidential Citizens Medal for exemplary deeds and service to the United States from former president Bill Clinton. He received the National Ohtli Award for service to the Mexican-American community from Ambassador Arturo Sarukhán on behalf of the former president of Mexico, Felipe Calderón;

Whereas, Dr. Juan Andrade Jr. was awarded the Medallion for Leadership from the Hispanic Heritage Foundation and the Medallion of Excellence from the Congressional Hispanic Caucus Institute. He was inducted into the "Society of Life Models" by OMNI Youth Services and was awarded the Eagle Award by the Latino Leaders Network; and

Whereas, Dr. Juan Andrade Jr. has been recognized five separate times as one of the Most Influential Hispanics in America. Most recently, Dr. Andrade was named one of the 50 Most Influential Latinos of 2020 by Negocios Now: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Dr. Juan Andrade Jr. for his years of hard work and dedication to the Hispanic community across the United States and for the positive impact his work has on the residents of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mike Andrade.

The resolution was read a first time and adopted by voice vote.

House Resolution 35

Representative Rowray introduced House Resolution 35:

A HOUSE RESOLUTION recognizing the Yorktown High School volleyball team for an exceptional 2020 season.

Whereas, The Yorktown volleyball team defeated Munster in a state championship match: 16-25, 25-19, 25-18, 25-15;

Whereas, Ava Eakins, Rachel Tucker, Maeley Wood, Ellee Stinson, Jenny Morey, Emilee Hill, Kynnadi Bell, Addi Rains, Taryn Sallee, Rory Powers, Abby Johnson, Kaitlyn Judge, Jayde Garrett, Gretchen Moore, Jaylynn Dunsmore, and Camryn Isaacs dedicated endless time and effort to contribute to the team's state championship victory;

Whereas, manager Jackie Mahon, head coach Stephanie Bloom, assistant coach Rhonda Wilson, assistant coach Heather Cochran, assistant coach Mike Dodrill, junior varsity coach Jeri Owens, athletic director Paul Heidenreich, principal Stacey Brewer, strength coach Cody Thompson, and athletic trainer Kevin McNamara provided the necessary coaching and administrative support to guide the team to a championship season;

Whereas, The Yorktown volleyball team set the record for the most digs by a team in a four set state championship match with 95 digs;

Whereas, Ellee Stinson set the record for digs in a four set match state championship with 31 digs;

Whereas, The Yorktown volleyball team also was the Delaware County and Hoosier Heritage Conference champion and finished the season undefeated, with a record of 28-0: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the players, coaches, and staff of the Yorktown High School volleyball team on the occasion of its championship win.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to State Representative Elizabeth Rowray for distribution.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Concurrent Resolution 10, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 10 as printed February 2, 2021.)

Committee Vote: Yeas 12, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "12.5" insert "**of this chapter**".

Page 2, between lines 25 and 26, begin a new line block indented and insert:

"**(1) subject to subsection (g), will teach a course in grade 7, 8, 9, 10, 11, or 12, with a subject matter in the field of:**

(A) science;

(B) technology;

(C) engineering; or

(D) mathematics;".

Page 2, line 26, delete "(1)" and insert "**(2)**".

Page 2, line 28, delete "(2)" and insert "**(3)**".

Page 3, between lines 14 and 15, begin a new line block indented and insert:

"**(4) completes a one (1) year clinical experience program with a not-for-profit organization that provides clinical instruction in:**

(A) instructional design and planning;

(B) effective instructional delivery;

(C) classroom management and organization; and

(D) effective use of assessment data;".

Page 3, line 15, delete "(3)" and insert "**(5)**".

Page 3, line 17, delete "(4)" and insert "**(6)**".

Page 3, line 20, delete "(a)(2)" and insert "**(a)(3)**".

Page 3, line 25, delete "(a)(2)" and insert "**(a)(3)**".

Page 3, line 30, delete "(a)(2)" and insert "**(a)(3)**".

Page 3, delete lines 33 through 36, begin a new paragraph and insert:

"**(e) An individual who receives an initial practitioner license under this section shall:**

(1) be treated in the same manner as an individual who receives an initial practitioner license after completing a traditional teacher preparation program; and

(2) spend, excluding time in which the individual receives mentoring or instruction as part of a clinical experience program described in subsection (a)(4), at least twenty percent (20%) of the individual's work week during the individual's initial year of teaching:

(A) performing classroom observation of;

(B) assisting;

(C) team teaching with; or

(D) teaching under the direct supervision of;

a teacher who is rated as highly effective on the teacher's most recent annual performance evaluation under IC 20-28-11.5. The teacher may not be employed or associated with the clinical experience program described in subsection (a)(4). The experience received by the individual under this subdivision must include meaningful exposure to special education.".

Page 3, between lines 41 and 42, begin a new paragraph and insert:

"**(g) An individual who receives an initial practitioner license under this section may not be a teacher of record for a special education student for the period the individual maintains a license under this section.**

(h) A school corporation, charter school, or state accredited nonpublic school may submit a plan to the department to hire individuals who have received a classroom ready certificate from the not-for-profit entity that provides clinical experience under subsection (a)(4). The plan must be submitted in a manner prescribed by the department and must include:

(1) a description of the type of mentoring, other than mentoring provided by a program described in subsection (a)(4), the individual will receive; and

(2) a description of how the school corporation, charter school, or state accredited nonpublic school will assist the individual to meet the requirements under subsection (e)(2);

(3) a description of how the individual will receive meaningful exposure to special education; and

(4) any requirement determined necessary by the department.

The department may approve the plan submitted under this section if the department determines that an individual hired under this subsection will receive support necessary to ensure that the individual will be an effective instructor.".

(Reference is to SB 205 as reprinted February 23, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-37.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 37.9. "Born alive", for purposes of IC 16-21-2-17, has the meaning set forth in IC 16-21-2-17(a).**

SECTION 2. IC 16-18-2-194.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 194.7. "Item or service", for purposes of IC 16-21-17 and IC 16-24.5-1, has the meaning set forth in IC 16-21-17-0.3(a).**

SECTION 3. IC 16-18-2-337.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 337.5. "Standard charge", for purposes of IC 16-21-17 and IC 16-24.5-1, has the meaning set forth in IC 16-21-17-0.3(b).**

SECTION 4. IC 16-18-2-375.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]. ~~Sec. 375.5. "Weighted average negotiated charge", for purposes of IC 16-21-17 and IC 16-21-24.5, has the meaning set forth in IC 16-21-17-0.5.~~

SECTION 5. IC 16-21-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) As used in this section, "born alive" means the complete expulsion or extraction from the infant's mother, at any stage of development or gestational age, of an infant who after the expulsion or extraction:**

(1) breathes;

(2) has a beating heart or pulsation of the umbilical cord; or

(3) has a definite movement of voluntary muscles;

regardless of whether the umbilical cord has been cut or whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(b) If a woman who is in premature labor presents to a hospital, the hospital must inform the woman of the hospital's capabilities of treating the born alive infant and managing a high risk pregnancy. If the hospital does not have the capability to treat the premature born alive infant or the ability to manage a high risk pregnancy, the hospital must provide the woman options to get to a hospital with appropriate capabilities.

(c) A hospital must provide:

(1) a medical screening examination; and

(2) any needed stabilizing treatment;

to an infant who is born alive, including born prematurely or with a disability, or a woman who is in premature labor.

(d) After a hospital has provided a medical screening examination under subsection (c)(1), the hospital must inform the:

(1) parents of the born alive infant of the:

(A) infant's treatment options and probable outcomes; and

(B) hospital's treatment capabilities; and

(2) woman who is in premature labor of the:

(A) woman's treatment options and probable outcomes; and

(B) hospital's treatment capabilities.

(e) If a hospital does not have the capability to provide care for the infant who is born alive, including born prematurely or with a disability, or manage a woman's high risk pregnancy, the hospital:

(1) may not refuse transport of the infant or woman to another hospital with the capacity to provide the needed care; and

(2) shall arrange for the transport of the infant or woman to the other hospital, if:

(A) capable transport is available; and

(B) acceptance of the patient by the other hospital is confirmed.

(f) A hospital that violates this section is subject to the penalties under IC 16-21-3-1.

(g) A health care provider who is:

(1) licensed or certified under IC 25;

(2) employed or under contract with a hospital; and

(3) responsible for providing treatment or an examination to a born alive infant or woman with a high risk pregnancy under this chapter;

is subject to the standards of practice under IC 25-1-9. A health care provider who violates the standards of practice is subject to disciplinary sanctions under IC 25-1-9-9.

SECTION 6. IC 16-21-9-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. (a) This section does not apply to the following:**

(1) A nonprofit critical access hospital that is not:

(A) part of a hospital system; or

(B) an affiliate of a hospital or hospital system.

(2) A county hospital that is established and operated under IC 16-22.

(b) Before December 31 of each year, a nonprofit hospital shall hold a public forum in which the nonprofit hospital, including the nonprofit hospital's board of directors, shall:

(1) obtain feedback from the community about the nonprofit hospital's performance in the previous year;

(2) discuss the pricing of health services provided at the nonprofit hospital; and

(3) discuss the contributions made by the nonprofit hospital to the community, including uncompensated care, charitable contributions, and any other charitable assistance programs.

(c) At least fourteen (14) days before the forum held under subsection (b), the nonprofit hospital shall post on the nonprofit hospital's Internet web site the following:

(1) A printed notice that:

(A) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site;

(B) states the date, time, and location of the public forum to be held under subsection (b); and

(C) states that the purpose of the public forum is to provide members of the community with an opportunity to:

(i) comment on the nonprofit hospital's performance in the previous year;

(ii) discuss the pricing of health services provided at the nonprofit hospital; and

(iii) discuss the contributions made by the hospital to the community, including uncompensated care, charitable contributions, and any other charitable assistance programs.

(2) The following information relating to the subjects to be discussed at the public forum held under subsection (b):

(A) The nonprofit hospital's Indiana specific income statement for the previous calendar year that is prepared according to generally accepted accounting principles.

(B) Information concerning:

(i) the nonprofit hospital's pricing of health services in comparison to the amounts of reimbursement for the health services under the Medicare program;

(ii) the rationale for any pricing of health services by the nonprofit hospital that is higher than the corresponding reimbursement for the health services under the Medicare program; and

(iii) any increase in the nonprofit hospital's pricing of health services that occurred in the previous year.

(d) The public forum requirement under this section may be held through an interactive real time audio and video meeting that is accessible to the community through the Internet.

SECTION 7. IC 16-21-17-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 0.3. (a) As used in this chapter, "item or service" means any item or service, including service packages, that could be provided by an ambulatory outpatient surgical center to a patient for which the ambulatory outpatient surgical center has established a standard charge. The term includes the following:**

(1) Supplies.

(2) Procedures.

(3) Use of the facility and other facility fees.

(4) Services of employed physicians and nonphysician practitioners, including professional charges.

(5) Anything that an ambulatory outpatient surgical center has established as a standard charge.

(b) As used in this chapter, "standard charge" means the regular rate established by the ambulatory outpatient surgical center for an item or service provided to a specific group of paying patients. The term includes the following:

(1) Gross charge.

(2) Payer-specific negotiated charge.

(3) De-identified minimum negotiated charge.

(4) De-identified maximum negotiated charge.

(5) Discounted cash price.

SECTION 8. IC 16-21-17-0.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]. ~~Sec. 0.5. As used in this chapter, "weighted average negotiated charge" means the amount determined in STEP SIX of the following formula with respect to a particular procedure:~~

~~STEP ONE: For each insurer with whom the hospital or an ambulatory outpatient surgical center negotiates a charge for a particular procedure, determine the percentage of the hospital's patients or the ambulatory outpatient surgical center's patients insured by the insurer in the previous calendar year rounded to a whole percentage.~~

~~STEP TWO: Multiply each percentage determined under STEP ONE by one hundred (100) and express the results as whole numbers so that the sum of the percentage points determined under STEP ONE is one hundred (100).~~

~~STEP THREE: For a particular procedure, determine the amount of the negotiated charge for the procedure for each insurer described in STEP ONE.~~

~~STEP FOUR: For each insurer described in STEP ONE, multiply the STEP THREE amount determined for a particular procedure by the result determined under STEP TWO for that insurer.~~

~~STEP FIVE: For a particular procedure, determine the sum of the amounts determined under STEP FOUR for all of the insurers described in STEP ONE with respect to that procedure.~~

~~STEP SIX: For a particular procedure, determine the quotient of:~~

~~(A) the sum determined under STEP FIVE for that procedure; divided by~~

~~(B) one hundred (100).~~".

Page 2, delete lines 1 through 12.

Page 2, line 15, after "than" strike "March" and insert "**December**".

Page 2, line 22, strike "published in 84 FR 65524" and insert "**required under 45 CFR Part 180**".

Page 2, line 24, delete "(1)," and insert "(1):

(A)".

Page 2, line 27, delete "(1)." and insert "(1); **or**

(B) if the ambulatory outpatient surgical center offers less than thirty (30) services not included under subdivision (1), all services provided by the ambulatory outpatient surgical center.".

Page 2, strike lines 33 through 39.

Page 2, line 40, strike "(C) Self-pay without charitable assistance from the".

Page 2, strike line 41.

Page 2, line 42, strike "(D) Self-pay with charitable assistance from the".

Page 3, strike lines 1 through 3.

Page 3, between lines 3 and 4, begin a new line block indented and insert:

"**(2) The standard charges, which include the following, as defined by 45 CFR 180.20:**

(A) The gross charge.

(B) The payer-specific negotiated charge.

(C) The de-identified minimum negotiated charge.

(D) The de-identified maximum negotiated charge.

(E) The discounted cash price.".

Page 3, line 17, delete "published at 84 FR 65524" and insert "**required under 45 CFR Part 180**".

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 10. IC 16-21-17-2, AS ADDED BY P.L.50-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 2. (a) The information displayed on

the Internet web site must be in an easy to read, understandable format, and include the ~~negotiated charge~~ **standard charges** as described in section 1 of this chapter for each service. ~~by provider type.~~

(b) ~~A hospital and~~ An ambulatory outpatient surgical center shall update the information on the Internet web site on an annual basis.

SECTION 11. IC 16-24.5-1-2, AS AMENDED BY P.L.93-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 2. (a) Not later than ~~March~~ **December** 31, 2021, an urgent care facility shall post on the Internet web site of the urgent care facility pricing and other information specified in this chapter for the fifteen (15) most common **and shoppable** services that are provided by the urgent care facility **or group of facilities under common ownership.**

(b) The following information, to the extent applicable, must be included on the Internet web site by an urgent care facility for the fifteen (15) most common services described in subsection (a):

~~(1) The number of times each service is provided by the urgent care facility.~~

~~(2)~~ **(1)** A description of the service.

~~(3) The weighted average negotiated charge per service per provider type for each of the following categories:~~

~~(A) Any nongovernment sponsored health benefit plan or insurance provided by a health carrier in which the provider is in the network.~~

~~(B) Medicare, including fee for service and Medicare Advantage.~~

~~(C) Self-pay without charitable assistance from the urgent care facility.~~

~~(D) Self-pay with charitable assistance from the urgent care facility.~~

~~(E) Medicaid, including fee for service and risk based managed care.~~

(2) The standard charges, which include the following, as defined by 45 CFR 180.20:

(A) The gross charge.

(B) The payer-specific negotiated charge.

(C) The de-identified minimum negotiated charge.

(D) The de-identified maximum negotiated charge.

(E) The discounted cash price.

SECTION 12. IC 16-24.5-1-3, AS ADDED BY P.L.50-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 3. (a) The information displayed on the Internet web site must be in an easy to read, understandable format, and include the ~~negotiated charge~~ **standard charges** as described in section 2 of this chapter for each service. ~~by provider type.~~

(b) An urgent care facility shall update the information on the Internet web site on an annual basis.

SECTION 13. IC 27-2-26 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 26. Public Forums by Health Carriers

Sec. 1. (a) As used in this chapter, "health carrier" means an entity:

(1) that is subject to IC 27 and the administrative rules adopted under IC 27; and

(2) that enters into a contract to:

(A) provide health care services;

(B) deliver health care services;

(C) arrange for health care services; or

(D) pay for or reimburse any of the costs of health care services.

(b) The term includes the following:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) An administrator (as defined in IC 27-1-25-1(a)) that is licensed under IC 27-1-25.

(4) A state employee health plan offered under IC 5-10-8.

(5) A short term insurance plan (as defined by IC 27-8-5.9-3).

(6) Any other entity that provides a plan of health insurance, health benefits, or health care services.

Sec. 2. (a) Before December 31, a health carrier shall hold a public forum in which the health carrier shall:

(1) obtain feedback from the community about the health carrier's performance in the previous year; and

(2) discuss the premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.

(b) The public forum required in subsection (a) must be held in the municipality where the health carrier's principal office (as defined in IC 27-1-2-3(l)) is located.

Sec. 3. At least fourteen (14) days before the public forum required by this chapter is held, the health carrier shall post on the health carrier's Internet web site the following:

(1) A printed notice that:

(A) is designed, lettered, and featured on the Internet web site in a manner that is conspicuous to and readable by any individual with normal vision who visits the Internet web site;

(B) states the date, time, and location of the public forum; and

(C) states that the purpose of the public forum is to provide members of the community with an opportunity to:

(i) comment on the health carrier's performance in the previous year; and

(ii) discuss the premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.

(2) The following information concerning the subjects to be discussed at the public forum:

(A) The health carrier's Indiana based profits.

(B) The premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.

(C) The health carrier's strategy to lower health care costs.

(D) Any increase in the health carrier's premiums, on average statewide, that occurred in the previous year for each health carrier.

(E) The health carrier's Indiana specific income statement for the previous calendar year that is prepared according to generally accepted accounting principles.

(F) Annual audited financial reports, if required under IC 27-1-3.5-6.".

Renumber all SECTIONS consecutively.

(Reference is to SB 325 as reprinted February 23, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-1-3, AS AMENDED BY P.L.136-2018, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The members of the commission shall meet and organize the

commission. The commission may, subject to the approval of the governor, appoint a secretary of the commission.

(b) The salaries of the members and secretary of the commission shall be fixed by the governor, subject to the approval of the budget agency; however, the salaries of the chairman and the members shall not be less than the following annual minimum amounts:

(1) For the chairman, sixty-five thousand dollars ($65,000).

(2) For the members, sixty thousand dollars ($60,000) each.

(c) The commission may appoint one (1) or more administrative law judges who shall be responsible to and serve at the will and pleasure of the commission. While serving, the administrative law judges shall devote full time to the duties of the commission and shall not be actively engaged in any other occupation, profession, or business that constitutes a conflict of interest or otherwise interferes with carrying out their duties as administrative law judges. The salary of each administrative law judge shall be fixed by the commission subject to the approval of the budget agency but may not be less than the following annual amounts:

(1) For the chief administrative law judge, forty-five thousand dollars ($45,000).

(2) For all other administrative law judges, forty thousand dollars ($40,000).

(d) A majority of the commission members shall constitute a quorum.

(e) On order of the commission any one (1) member of the commission, or an administrative law judge, may conduct a hearing or an investigation, and take evidence in the hearing or investigation, and report on the hearing or investigation to the commission for the commission's consideration and action; however, a hearing concerning a request for a general increase in the basic rates and charges of a utility in an amount exceeding twenty million dollars ($20,000,000) may only be conducted by one (1) or more commission members.

(f) Each member of the commission shall give bond in the sum of ten thousand dollars ($10,000) for the faithful performance of the member's duties. Such bond shall be filed with the secretary of state.

(g) The commission shall formulate rules necessary or appropriate to carry out this chapter, and shall perform the duties imposed by law upon it, **including consulting with the Indiana state department of agriculture and the department of natural resources in studying and making findings and recommendations concerning the potential role of the state in a voluntary carbon credit market, as required by IC 15-11-16-1.**

(h) The commission may:

(1) employ, with the approval of the governor and the state budget agency, sufficient professional staff, including specialists, technicians, and analysts, who are exempt from the job classifications and compensation schedules established under IC 4-15; and

(2) purchase, lease, or otherwise acquire for the commission's internal use sufficient technical equipment necessary for the commission to carry out its statutory duties.

SECTION 2. IC 8-1-1-16.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 16.1. (a) As used in this chapter, "electric utility" means an electric utility (as defined in IC 8-1-8.5-3.1(a)) that is under the jurisdiction of the commission for the approval of rates and charges.**

(b) As used in this section, "federal phaseout mandate" means any federal statutory or regulatory requirement that requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source.

(c) In the commission's deliberations in a general rate case of an electric utility, the commission shall consider federal phaseout mandates in providing for depreciation under IC 8-1-2-21.

SECTION 3. IC 8-1-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. **Subject to IC 8-1-1-16.1,** the commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public.

SECTION 4. IC 8-1-8.5-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.2. (a) This section applies to an electric utility that submits an integrated resource plan described in section 3(e) of this chapter after June 30, 2021.**

(b) Except as otherwise provided in this section, the definitions in 170 IAC 4-7 apply throughout this section.

(c) As used in this section, "electric utility" refers to an electric utility listed in 170 IAC 4-7-2(a).

(d) As used in this section, "federal phaseout mandate" means any federal statutory or regulatory requirement that requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source.

(e) In reviewing an integrated resource plan submitted by an electric utility after June 30, 2021, the commission shall evaluate the impact of federal phaseout mandates on the depreciation of both:

(1) the existing electric generating facilities; and

(2) any proposed electric generating facilities of the electric utility;

as set forth in the integrated resource plan.

SECTION 5. IC 8-1-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. **(a) As used in this section, "federal phaseout mandate" means any federal statutory or regulatory requirement that requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source.**

(b) In acting upon any petition for the construction, purchase, or lease of any facility for the generation of electricity, the commission shall take into account **the following:**

(1) The applicant's current and potential arrangement with other electric utilities for:

(A) the interchange of power;

(B) the pooling of facilities;

(C) the purchase of power; and

(D) joint ownership of facilities. ~~and~~

(2) Other methods for providing reliable, efficient, and economical electric service, including the refurbishment of existing facilities, conservation, load management, cogeneration and renewable energy sources.

(3) The impact of federal phaseout mandates on the depreciation of both the existing and proposed electric generating facilities of the applicant.".

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"**(2) the Indiana utility regulatory commission;**".

Page 2, line 36, delete "(2)" and insert "**(3)**".

Page 2, line 37, delete "(3)" and insert "**(4)**".

Page 2, line 38, delete "(4)" and insert "**(5)**".

Page 2, line 39, delete "(5)" and insert "**(6)**".

Page 2, line 41, delete "(6)" and insert "**(7)**".

Page 3, line 2, delete "(7)" and insert "**(8)**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 373 as printed April 5, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-11-2-25.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25.8. (a) For purposes of IC 13-18:

(1) "Class I wetland" means an isolated wetland described by one (1) or both of the following:

(A) At least fifty percent (50%) of the wetland has been disturbed or affected by human activity or development by one (1) or more of the following:

(i) Removal or replacement of the natural vegetation.

(ii) Modification of the natural hydrology.

(B) The wetland supports only minimal wildlife or aquatic habitat or hydrologic function because the wetland does not provide critical habitat for threatened or endangered species listed in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the wetland is characterized by at least one (1) of the following:

(i) The wetland is typified by low species diversity.

(ii) The wetland contains greater than fifty percent (50%) areal coverage of non-native invasive species of vegetation.

(iii) The wetland does not support significant wildlife or aquatic habitat.

(iv) The wetland does not possess significant hydrologic function;

(2) "Class II wetland" means ~~(A) an isolated wetland that is not a Class I or Class III wetland; or (B) a type of wetland listed in subdivision (3)(B) that would meet the definition of Class I wetland if the wetland were not a rare or ecologically important type;~~ **an isolated wetland that supports moderate habitat or hydrological functions, including an isolated wetland that is dominated by native species but is generally without:**

(A) the presence of; or

(B) habitat for;

rare, threatened, or endangered species; and

(3) "Class III wetland" means an isolated wetland:

(A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or

(B) ~~unless classified as a Class II wetland under subdivision (2)(B),~~ that is of one (1) of the following rare and ecologically important types:

(i) Acid bog.

(ii) Acid seep.

(iii) Circumneutral bog.

(iv) Circumneutral seep.

(v) Cypress swamp.

(vi) Dune and swale.

(vii) Fen.

(viii) Forested fen.

(ix) Forested swamp.

(x) Marl beach.

(xi) Muck flat.

(xii) Panne.

(xiii) Sand flat.

(xiv) Sedge meadow.

(xv) Shrub swamp.

(xvi) Sinkhole pond.

(xvii) Sinkhole swamp.

(xviii) Wet floodplain forest.

(xix) Wet prairie.

(xx) Wet sand prairie.

(b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.

SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 48.5. (a) "Cropland", for purposes of IC 13-18-22-1(c), means farmland:**

(1) that is cultivated for agricultural purposes; and

(2) from which crops are harvested.

(b) The term includes:

(1) orchards;

(2) farmland used to produce row crops, close-grown crops, or cultivated hay; and

(3) farmland intentionally kept out of production during a regular growing season (summer fallow).

(c) The term does not include pasture land unless the pasture land is in active rotation with cultivated crops for purposes of soil maintenance or improvement.

SECTION 3. IC 13-11-2-72.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 72.4. "Ephemeral stream", for purposes of section 74.5 of this chapter, means surface water flowing or pooling only in direct response to precipitation such as rain or snowfall.**

SECTION 4. IC 13-11-2-74.5, AS AMENDED BY P.L.113-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

(1) is a voluntarily created wetland unless:

(A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;

(B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(e); or

(C) the owner of the wetland declares, by a written instrument:

(i) recorded in the office of the recorder of the county or counties in which the wetland is located; and

(ii) filed with the department;

that the wetland is to be considered in all respects to be a state regulated wetland;

(2) exists as an incidental feature in or on:

(A) a residential lawn;

(B) a lawn or landscaped area of a commercial or governmental complex;

(C) agricultural land;

(D) a roadside ditch;

(E) an irrigation ditch; or

(F) a manmade drainage control structure;

(3) is a fringe wetland associated with a private pond;

(4) is, or is associated with, a manmade body of surface water of any size created by:

(A) excavating;

(B) diking; or

(C) excavating and diking;

dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;

(5) subject to subsection (c), is a Class I wetland with an area, as delineated, of one-half (1/2) acre or less;

(6) subject to subsection (d), is a Class II wetland with an area, as delineated, of one-fourth (1/4) acre or less;

(7) is located on land:

(A) subject to regulation under United States Department of Agriculture wetland conservation programs, including Swampbuster and the Wetlands Reserve Program, because of voluntary enrollment in a federal farm program; and

(B) used for agricultural or other purposes allowed under the programs referred to in clause (A); ~~or~~

(8) is constructed for reduction or control of pollution; **or**

(9) meets the definition of wetlands in section 265.7 of this chapter only because of the presence of an ephemeral stream.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:

(1) if:

(A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;

(B) the isolated wetland is not essential to the function or use of the property or facility; and

(C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and

(2) if the isolated wetland satisfies any other factors or criteria established in rules that are:

(A) adopted by the board; and

(B) not inconsistent with the factors and criteria described in subdivision (1).

(c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and

(2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.

(d) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and

(2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

(e) An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6) consistent with the applicable limitations described in subsections (c) and (d).

SECTION 5. IC 13-11-2-104.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 104.8. "In lieu fee", for purposes of 13-18-22-6, means a fee that:**

(1) is paid pursuant to:

(A) the department of natural resources stream and wetland mitigation program; or

(B) another in lieu fee mitigation program;

(2) is paid to:

(A) the state government; or

(B) the Indiana natural resources foundation created by IC 14-12-1-4; and

(3) is applied toward the cost of:

(A) restoring, establishing, enhancing, or preserving aquatic resources in compensation for the alteration of other aquatic resources; and

(B) monitoring and providing long term management of the site where aquatic resources are restored, established, enhanced, or preserved with money provided by the fee.

SECTION 6. IC 13-11-2-265.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 265.8. ~~"Wetlands delineation" or "delineation",~~ For purposes of ~~section 74.5 of~~ this chapter **and IC 13-18-22:**

(1) "wetlands delineation" or "delineation" means a technical assessment:

~~(1)~~ **(A)** of whether a wetland exists on an area of land; and

~~(2)~~ **(B)** if so, of the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined consistently with the Wetlands Delineation Manual, Technical Report Y-87-1 of the United States Army Corps of Engineers; **and**

(2) "delineated" describes property that has undergone wetlands delineation.

SECTION 7. IC 13-18-22-1, AS AMENDED BY P.L.166-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in subsection (b), a person proposing a wetland activity in a state regulated wetland must obtain a permit under this chapter to authorize the wetland activity.

(b) A permit is not required for the following wetland activities:

(1) The discharge of dirt, sand, rock, stone, concrete, or other inert fill materials in a de minimis amount.

(2) A wetland activity at a surface coal mine for which the department of natural resources has approved a plan to:

(A) minimize, to the extent practical using best technology currently available, disturbances and adverse effects on fish and wildlife;

(B) otherwise effectuate environmental values; and

(C) enhance those values where practicable.

(3) Any activity listed under Section 404(f) of the Clean Water Act, including:

(A) normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

(B) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures;

(C) construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches;

(D) construction of temporary sedimentation basins on a construction site that does not include placement of fill material into the navigable waters; and

(E) construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where the roads are constructed and maintained, in accordance with best management practices, to assure that:

(i) flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired;

(ii) the reach of the navigable waters is not reduced; and

(iii) any adverse effect on the aquatic environment will be otherwise minimized.

(4) The maintenance or reconstruction (as defined in IC 36-9-27-2) of a regulated drain in accordance with IC 36-9-27-29(2) as long as the work takes place within

the current easement, and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

(5) Wetland activities in an exempt isolated wetland, as defined in IC 13-11-2-74.5.

~~(c) The goal of the permitting program for wetland activities in state regulated wetlands is to:~~

~~(1) promote a net gain in high quality isolated wetlands; and~~

~~(2) assure that compensatory mitigation will offset the loss of isolated wetlands allowed by the permitting program.~~

(c) The development of cropland, as defined in IC 13-11-2-48.5, does not require a permit under this chapter if the cropland has been used for agricultural purposes:

(1) in the five (5) years immediately preceding the development; or

(2) in the ten (10) years immediately preceding the development, if the United States Army Corps of Engineers has issued a jurisdictional determination confirming that the cropland does not contain wetlands subject to federal jurisdiction under Section 404 of the Clean Water Act.

After receiving a jurisdictional determination described in subdivision (2) from the United States Army Corps of Engineers, the department shall notify the person proposing the wetland activity that the development of the cropland used for agricultural purposes in the immediately preceding ten (10) years is exempt from the permit requirement of subsection (a) under subdivision (2).

SECTION 8. IC 13-18-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) An individual permit is required to authorize ~~a~~ wetland activity in a Class III wetland.

(b) Except as provided in section ~~4(a)~~ **4(a)(2)** of this chapter, an individual permit is required to authorize ~~a~~ wetland activity in a Class II wetland.

(c) The board shall adopt rules under IC 4-22-2 and IC 13-14 ~~not later than June 1, 2005,~~ to govern the issuance of individual permits by the department under subsections (a) and (b).

SECTION 9. IC 13-18-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) ~~Wetland activities with minimal impact in Class I wetlands and Class II wetlands, including the activities analogous to those allowed under the nationwide permit program (as published in 67 Fed. Reg. 2077-2089 (2002)), shall be authorized by a general permit rule.~~ **The following shall be authorized by a general permit:**

~~(b)~~ **(1)** Wetland ~~activities~~ **activity** in **a** Class I ~~wetlands shall be authorized by a general permit rule.~~ **wetland with an area, as delineated, of more than one-half (1/2) acre.**

(2) Wetland activity in a Class II wetland with an area, as delineated, of more than one-fourth (1/4) acre and not more than three eighths (3/8) acre.

(3) The maintenance of a field tile within Class II wetland. However, the maintenance described in this subdivision may be authorized only if the field tile:

(A) is necessary to restore drainage of land adjacent to the wetland; and

(B) does not have the effect of draining the wetland.

(4) The maintenance of a field tile within a Class III wetland. However, the maintenance described in this subdivision may be authorized only if:

(A) the maintenance of the field tile:

(i) is necessary to restore drainage of land adjacent to the wetland; and

(ii) does not have the effect of draining the wetland; and

(B) the applicant obtains a site-specific approval for the maintenance of the field tile under section 12 of this chapter.

(b) The maintenance of a field tile in a Class I wetland does not require a permit.

(c) The board shall adopt rules under IC 4-22-2 and IC 13-14 ~~not later than February 1, 2005,~~ to establish and implement the general permits described in ~~subsections~~ **subsection** (a). ~~and (b).~~

SECTION 10. IC 13-18-22-6, AS AMENDED BY P.L.147-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Except as otherwise specified in subsections (b) and (c), compensatory mitigation shall be provided in accordance with the following table:

Wetland Class	Replacement Class	On-site **and** In-lieu Fee Ratio	Off-site Ratio
Class I	Class II or III	1 to 1	1 to 1
Class I	Class I	~~1.5~~ **1** to 1	~~1.5~~ **1** to 1
Class II	Class II or III	1.5 to 1 Nonforested 2 to 1 Forested	~~2~~ **1.5** to 1 Nonforested ~~2.5~~ **2** to 1 Forested
Class III	Class III	2 to 1 Nonforested 2.5 to 1 Forested	2.5 to 1 Nonforested 3 to 1 Forested

(b) The compensatory mitigation ratio shall be lowered to one to one (1:1) if the compensatory mitigation is completed before the initiation of the wetland activity.

(c) A wetland that is created or restored as a water of the United States may be used, as an alternative to the creation or restoration of an isolated wetland, as compensatory mitigation for purposes of this section. The replacement class of a wetland that is a water of the United States shall be determined by applying the characteristics of a Class I, Class II, or Class III wetland, as appropriate, to the replacement wetland as if it were an isolated wetland.

(d) The off-site location of compensatory mitigation must be:

(1) within:

(A) the same eight (8) digit U.S. Geological Service hydrologic unit code; or

(B) the same county;

as the isolated wetlands subject to the authorized wetland activity; or

(2) within a designated service area established in an in lieu fee mitigation program approved by the United States Army Corps of Engineers.

(e) Exempt isolated wetlands may be used to provide compensatory mitigation for wetlands activities in state regulated wetlands. An exempt isolated wetland that is used to provide compensatory mitigation becomes a state regulated wetland.

SECTION 11. IC 13-18-22-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The department shall:

(1) administer the permit programs established by this chapter; and

(2) review and issue decisions on applications for permits to undertake wetland activities in state regulated wetlands in accordance with the rules issued by the board under this chapter.

~~(b) Before the adoption of rules by the board under this chapter, the department shall:~~

~~(1) issue individual permits under this chapter consistent with the general purpose of this chapter; and~~

~~(2) for wetland activities in Class I wetlands, issue permits under this subsection:~~

~~(A) that are simple, streamlined, and uniform;~~

~~(B) that do not require development of site specific provisions; and~~

~~(C) promptly upon submission by the applicant to the~~

~~department of a notice of registration for a permit.~~

~~(c)~~ **(b)** ~~Not later than June 1, 2004,~~ The department shall make available to the public ~~(1)~~ a form for use in applying for a permit under ~~subsection (b)(1); and (2) a form for use in submitting a notice of registration for a permit to undertake a wetland activity in a Class I wetland under subsection (b)(2).~~ **this chapter.**

SECTION 12. IC 13-18-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Subject to subsection (f), the department shall make a decision to issue or deny an individual permit under section 3 ~~or 7(b)(1)~~ of this chapter not later than ~~one hundred twenty (120)~~ **ninety (90)** days after receipt of the completed application. If the department fails to make a decision on a permit application by the deadline under this subsection or subsection ~~(f),~~ **(d),** a permit is considered to have been issued by the department in accordance with the application.

(b) A general permit under section 4 of this chapter becomes effective with respect to a proposed wetland activity that is within the scope of the general permit on the thirty-first day after the department receives a notice of intent from the person proposing the wetland activity that the wetland activity be authorized under the general permit.

~~(c) Except as provided in subsection (d), a permit to undertake a wetland activity in a Class I wetland under section 7(b)(2) of this chapter is considered to have been issued to an applicant on the thirty-first day after the department receives a notice of registration submitted under section 7(b)(2) of this chapter if the department has not previously authorized the wetland activity.~~

~~(d) The department may deny a registration for a permit for cause under subsection (c) before the period specified in subsection (c) expires.~~

~~(e)~~ **(c)** The department must support a denial under subsection (a) ~~or (d)~~ by a written statement of reasons.

~~(f)~~ **(d)** The department may notify the applicant that the completed application referred to in subsection (a) is deficient. If the department fails to give notice to the applicant under this subsection not later than fifteen (15) days after the department's receipt of the completed application, the application is considered not to have been deficient. After receipt of a notice under this subsection, the applicant may submit an amended application that corrects the deficiency. The department shall make a decision to issue or deny an individual permit under the amended application within a period that ends a number of days after the date the department receives the amended application equal to the remainder of:

(1) ~~one hundred twenty (120)~~ **ninety (90)** days; minus

(2) the number of days the department held the initial application before giving a notice of deficiency under this subsection.

SECTION 13. IC 13-18-22-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12. (a) A person seeking to engage in maintenance of a field tile within a Class III wetland under section 4(a)(4) of this chapter may apply to the department for a site-specific approval for the activity in accordance with this section and the rules adopted under section 4(c) of this chapter.**

(b) An applicant for a site-specific approval under this section must provide information to the department on the need to perform the activity described in subsection (a), including the following:

(1) Information showing the location and area needed to be disturbed within the Class III wetland.

(2) Lack of reasonable alternatives to the disturbance of the area referred to in subdivision (1).

SECTION 14. IC 13-18-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The department shall **do the following:**

(1) Make a final determination on an application for a certification under Section 401 of the Clean Water Act not later than ~~one hundred twenty (120)~~ **ninety (90)** days after its receipt of a complete application ~~and~~ **if the applicant meets the condition set forth in subsection (b).**

(2) Include in its notice of the final determination to the applicant a statement of reasons for the final determination.

(b) At least thirty (30) days before submitting an application under this section, an applicant must contact the department to request a pre-coordination meeting.

~~(b)~~ **(c)** A failure by the department to ~~act within the period specified in~~ **make a final determination not later than ninety (90) days after receiving a complete application, if required under** subsection (a)(1), constitutes a waiver of the certification.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the maintenance and management of wetlands in Indiana.**

(b) An interim study committee assigned a study under this SECTION shall consider the effect of the maintenance and management of wetlands on:

(1) construction costs;

(2) flood prevention;

(3) water pollution from runoff; and

(4) groundwater resources.

(c) This SECTION expires January 1, 2022.

SECTION 16. **An emergency is declared for this act.**

(Reference is to SB 389 as printed January 27, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 413, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-3-26-10, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make government information available to executive state agencies, **the general assembly, the legislative services agency,** political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with applicable confidentiality and disclosure laws.

(3) Establish privacy and quality policies for government information that comply with all applicable Indiana and federal laws, rules, and policies.

(4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of government information under this chapter.

(5) Conduct operational and procedural audits of executive state agencies.

(6) Perform financial planning and design and implement efficiency projects for executive state agencies.

(7) Advise and assist each executive state agency to identify and implement continuous process improvement in state government.

(8) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer to carry out the responsibilities of the OMB or the chief data officer.

SECTION 2. IC 4-3-26-14, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) **Subject to subsection (b),** the MPH ~~shall~~ **may** prescribe a form to be used to memorialize the sharing of data under this chapter.

~~(b) The form prescribed under subsection (a) must be:~~

~~(1) completed by the executive state agency or person described in section 15 of this chapter; and~~

~~(2) signed by the administrative head of the executive state agency or person.~~

~~(c) A data sharing form completed and signed under subsection (b) constitutes the agreement required by any statutory or administrative law that governs the data. No additional documentation may be required to share data under this chapter.~~

(b) Upon the request of the legislative services agency for a memorandum of understanding, the MPH:

(1) shall enter into a memorandum of understanding described in IC 2-5-1.7-14 with the legislative services agency for the sharing of data under this chapter; and

(2) may not require the legislative services agency to use a form prescribed under subsection (a).

SECTION 3. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) The MPH data advisory committee is established.**

(b) The committee consists of the following nine (9) members:

(1) The executive director of the legislative services agency or the executive director's designee, who shall serve as a nonvoting member.

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(3) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(4) One (1) member of the senate appointed by the president pro tempore of the senate.

(5) One (1) member of the senate appointed by the minority leader of the senate.

(6) The following four (4) members appointed jointly by the speaker of the house of representatives and the president pro tempore of the senate:

(A) One (1) member who represents an Indiana based philanthropic organization.

(B) One (1) member who represents an Indiana based nonprofit organization that has knowledge in using data to connect job seekers, educational institutions, and employers to advance Indiana's skilled workforce.

(C) One (1) member who represents a business or industry with knowledge of education and workforce policy.

(D) One (1) member who represents an Indiana based grant making foundation with a mission to advance health and education.

(c) A member of the committee appointed under subsection (b)(2) through (b)(6):

(1) serves for a term of four (4) years; and

(2) may be removed from the committee by the member's appointing authority for just cause.

Vacancies in the appointments to the committee shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

(d) The members appointed under subsection (b)(2) and (b)(4) shall alternate serving as the chairperson of the committee every other year, with the member appointed under subsection (b)(2) serving as chairperson the first year of the committee. The committee shall meet at least quarterly at the call of the chairperson.

(e) The chairperson is responsible for establishing agendas for committee meetings after receiving and considering recommended agenda items from the members of the committee.

(f) Five (5) members of the committee constitute a quorum. The affirmative vote of at least a majority of the members of the committee is necessary for the committee to take official action.

(g) The committee shall review, study, monitor, and make advisory recommendations to the MPH regarding the MPH's duties under section 10 of this chapter, including monitoring and evaluating the performance of the MPH's duty to make governmental information available under section 10(2) of this chapter.

(h) A member of the committee is not entitled to the minimum salary per diem or reimbursement for traveling or other expenses.

(i) The legislative services agency shall staff the committee.

SECTION 4. IC 20-18-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.5. "School based enterprise" means a program that:**

(1) includes interactions with customers or clients;

(2) is a career based course; and

(3) includes ongoing business training provided by a teacher.

SECTION 5. IC 20-26-5-40.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 40.2. (a) If a governing body passes a resolution to close a high school within the school corporation, the governing body shall develop a plan relating to the preservation or transfer of memorabilia, trophies, or other property that may have historical significance, as determined by the governing body.**

(b) The plan described in subsection (a) must be made available for public inspection and posted on the school corporation's Internet web site.

SECTION 6. IC 20-26.5-2-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 5. Not later than November 1, 2019, and not later than November 1 of each year thereafter, the department shall report to the legislative council annually in an electronic format under IC 5-14-6 regarding the following:~~

~~(1) The fiscal impact on each coalition member of the member's participation in a coalition.~~

~~(2) The qualifications of each teacher who teaches in a coalition, as follows:~~

~~(A) Whether the teacher holds a license under IC 20-28.~~

~~(B) Whether the teacher is paid by:~~

~~(i) a coalition member; or~~

~~(ii) another employer.~~

~~(3) The type of future employment for which a student in a coalition is trained if the student is trained in a type of employment.~~

~~(4) The amount and terms of compensation for each student who receives compensation from a member of business or industry through a coalition's partnership with an entity described in section 1(c)(2)(A) of this chapter.~~

~~(5) The impact of a coalition member's participation in a coalition on the coalition member's graduation rates.~~

~~(6) Information regarding where a student in a coalition obtains full-time employment when the student graduates or leaves school, if applicable.~~

SECTION 7. IC 20-29-6-1, AS AMENDED BY P.L.274-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) School employers and school employees shall:

(1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;

(2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and

(3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

(b) Notwithstanding any other law, before a school employer and school employees may privately negotiate the matters described in subsection (a)(1) during the time period for formal collective bargaining established in section 12 of this chapter, the parties must hold at least one (1) public hearing and take public testimony to discuss the items described in subsection (a). **A school employer may allow governing body members and the public to participate in a public hearing under this subsection by means of electronic communication. Within forty-eight (48) hours after the public hearing, both parties shall certify to the board, in a manner prescribed by the board, that the public hearing described in this subsection has occurred.**

SECTION 8. IC 20-29-6-19, AS AMENDED BY P.L.274-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) In addition to holding at least one (1) public hearing with public testimony as described in section 1(b) of this chapter, the school employer must conduct a public meeting to discuss a tentative collective bargaining agreement at least seventy-two (72) hours before it is ratified by the school employer. **A school employer may allow governing body members and the public to participate in a public hearing under this section by means of electronic communication. Within forty-eight (48) hours after the public hearing, both parties shall certify to the board, in a manner prescribed by the board, that the public hearing described in this subsection has occurred. After June 30, 2021, any collective bargaining agreement ratified without holding the public hearing described in this subsection is null and void.**

(b) Notice of the time and the location of the public meeting and a tentative collective bargaining agreement established under this chapter must be posted on the school employer's Internet web site at least seventy-two (72) hours prior to the public meeting described in subsection (a).

(c) A school employer must allow for public comment at the meeting at which a tentative collective bargaining agreement is ratified.

(d) Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site.

SECTION 9. IC 20-30-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter, "virtual instruction" means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both.**

SECTION 10. IC 20-30-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a) This section applies to the following:**

(1) A public school maintained by a school corporation.

(2) A charter school that is not a virtual charter school (as defined in IC 20-24-1-10).

(b) If a student is enrolled to attend in-person instruction at a school and the student participates in any virtual instruction or remote learning that is provided by the school, the school shall ensure that the virtual instruction or remote learning provided by the school meets the following requirements:

(1) The virtual instruction or remote learning is of the same quality and rigor as the instruction that the student would have received if the student was attending in-person instruction at the school.

(2) The curriculum and any other educational resources used in the virtual instruction or remote learning are aligned to Indiana's academic standards.

(c) The department may adopt rules under IC 4-22-2 to implement this section.

SECTION 11. IC 20-30-16-5, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (b), an eligible student may enroll in course access program courses offered by a course provider that is authorized by the department under this chapter.

(b) A school corporation may disapprove an eligible student's enrollment in a course access program only for the following reasons:

(1) The course provided by the course provider is not in furtherance of the eligible student's graduation or certificate requirements.

(2) The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the school corporation.

(3) The course access program course is logistically infeasible.

However, a school corporation may not deny enrollment of an eligible student under subdivision (3) if the eligible student agrees to pay the cost of tuition for the applicable course access program course.

(c) If a school corporation denies a student's enrollment in a course access program course under subsection (b), the school corporation shall notify the student's parent or emancipated eligible student **of the denial and** of the parent's or student's right to appeal the school corporation's decision to the department. The parent of an eligible student or an emancipated eligible student may appeal the decision of the school corporation to the department in a manner prescribed by the department. The department shall review the school corporation's denial under subsection (b) and provide a final enrollment decision within seven (7) calendar days of receipt of the appeal.

(d) If a school corporation denies a student's enrollment in a course access program course under subsection (b), the school corporation shall notify the department, in a manner prescribed by the department, of the reason the student was denied enrollment under subsection (b).

SECTION 12. IC 20-32-5.1-17, AS AMENDED BY P.L.155-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection ~~(c).~~ **(e).**

(b) Except as provided in subsection (c), the benchmark,

formative, interim, or similar assessments **approved by the state board under subsection (a)** must show alignment, verified by a third party, to Indiana's academic standards. The majority of the assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.

(c) A benchmark, formative, interim, or similar assessment administered to students in grades 8 through 10 may show alignment, verified by a third party, to the nationally recognized college entrance exam required under section 7 of this chapter.

~~(b)~~ **(d)** A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

~~(c)~~ **(e)** If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

~~(d)~~ **(f)** The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

SECTION 13. IC 20-37-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) As used in this section, "applicable high school" means a high school at which all the students participate in a work based learning course (as defined in IC 20-43-8-0.7) or school based enterprise.**

(b) As used in this section, "primary use of the building" means an occupancy classification that is:

(1) most closely related to the intended use of the building; and

(2) determined by the rules of the fire prevention and building safety commission established by IC 22-12-2-1 in effect at the time that the applicable high school is first opened.

(c) An applicable high school shall comply with all rules of the fire prevention and building safety commission applicable to the primary use of the building.

SECTION 14. IC 20-48-1-9, AS AMENDED BY HEA 1271-2021, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If the governing body of a school corporation finds and declares that an emergency exists to borrow money with which to pay current expenses from a particular fund before the receipt of revenues from taxes levied or state tuition support distributions for the fund, the governing body may issue warrants in anticipation of the receipt of the revenues.

(b) The principal of warrants issued under subsection (a) is payable solely from the fund for which the taxes are levied or from the school corporation's education fund in the case of anticipated state tuition support distributions. However, the interest on the warrants may be paid from the debt service fund, from the operations fund, or the education fund in the case of anticipated state tuition support distributions. A governing body may not increase the debt service fund levy to pay for the interest on the warrants unless

~~(1) the warrants have been issued; and~~

~~(2) the school corporation has received the proceeds from the warrants.~~

the warrants have been authorized by the governing body in a resolution adopted at a public meeting in the year immediately preceding the year in which the warrants will be issued.

(c) The amount of principal of temporary loans maturing on or before June 30 for any fund may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the June settlement.

(d) The amount of principal of temporary loans maturing after June 30 and on or before December 31 may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the December settlement.

(e) The county auditor or the auditor's deputy shall determine the estimated amount of taxes and state tuition support distributions to be collected or received and distributed. The warrants evidencing a loan in anticipation of tax revenue or state tuition support distributions may not be delivered to the purchaser of the warrant and payment may not be made on the warrant before January 1 of the year the loan is to be repaid. However, the proceedings necessary for the loan may be held and carried out before January 1 and before the approval. The loan may be made even though a part of the last preceding June or December settlement has not been received.

(f) Proceedings for the issuance and sale of warrants for more than one (1) fund may be combined. Separate warrants for each fund must be issued, and each warrant must state on the face of the warrant the fund from which the warrant's principal is payable. An action to contest the validity of a warrant may not be brought later than fifteen (15) days after the first publication of notice of sale.

(g) An issue of tax or state tuition support anticipation warrants may not be made if the total of all tax or state tuition support anticipation warrants exceeds twenty thousand dollars ($20,000) until the issuance is advertised for sale, bids are received, and an award is made by the governing body as required for the sale of bonds, except that the publication of notice of the sale is not necessary:

(1) outside the county; or

(2) more than ten (10) days before the date of sale.".

Delete pages 2 through 3.

Page 6, line 1, after "study" insert "**methods of improving school building utilization by a school corporation in order to provide savings that may be used to improve teacher salaries and**".

Page 6, line 2, delete "findings regarding charter school" and insert "**findings.**".

Page 6, line 3, delete "funding.".

Renumber all SECTIONS consecutively.

(Reference is to SB 413 as printed February 19, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 416, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

Page 2, line 15, delete "no more than" and insert "**only**".

Page 2, line 15, delete "acute care hospitals." and insert "**hospitals that are both in the statewide comprehensive trauma care system under IC 16-19-3-28 and one (1) of the hospitals is a teaching hospital with a medical residency program.**".

Page 2, line 17, after "2." insert "**(a)**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"**(b) A hospital that has been issued a certificate of public advantage under this chapter may not be purchased by another hospital or system of hospitals unless the purchase has been approved by the Federal Trade Commission.**".

Page 2, line 22, after "department." insert "**However, a hospital may not submit an application under this chapter after July 1, 2026.**".

Page 2, line 34, delete "with" and insert "**with:**

(1)".

Page 2, line 36, delete "secretary." and insert "**secretary; and**

(2) the office of the attorney general in a manner prescribed by the office of the attorney general.".

Page 4, line 3, delete "ninety (90)" and insert "**one hundred twenty (120)**".

Page 4, line 29, after "agreement" insert "**for at least five (5) years**".

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"**(c) A hospital operating under a certificate of public advantage may not increase the charge for each individual service the hospital offers by more than the increase in the preceding year's annual average of the Consumer Price Index for Medical Care as published by the federal Bureau of Labor Statistics.**

(d) For the first five (5) years that a hospital is operating under a certificate of public advantage the hospital must:

(1) invest the realized cost savings from the identified efficiencies and improvements included in the certificate of public advantage application in the areas of Indiana the hospital serves for the benefit of the community; and

(2) summarize the realized cost savings and investments in the hospital's annual report submitted under section 8 of this chapter.".

Page 5, line 18, delete "annually to" and insert "**not later than July 1 of each year to:**

(1)".

Page 5, line 19, delete "department." and insert "**department;**

(2) the office of the attorney general in a manner prescribed by the office of the attorney general; and

(3) the general assembly in an electronic format under IC 5-14-6.".

(Reference is to SB 416 as printed February 19, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BARRETT, Chair

Report adopted.

Representatives Borders, V. Smith and Summers, who had been excused, are now present.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Elections and Apportionment, which met on April 8, 2021, to consider Senate Bill 353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 1.5. ESTABLISHING LEGISLATIVE AND INDIANA CONGRESSIONAL DISTRICTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the legislative services agency established by IC 2-5-1.1-7.

Sec. 3. "Body" refers to either of the following:

(1) The house of representatives.

(2) The senate.

Sec. 4. "Bureau" refers to the United States Department of Commerce, Bureau of the Census.

Sec. 5. "Census data" means the population data that the bureau is required to provide to the state under 13 U.S.C. 141.

Sec. 6. "Census year" refers to the year in which a federal decennial census is conducted.

Sec. 7. "Commission" refers to the temporary redistricting advisory commission established by IC 2-1.5-4-1.

Sec. 8. "Executive director" refers to the executive director of the agency.

Sec. 9. "Federal decennial census" refers to a federal decennial census conducted under 13 U.S.C. 141.

Sec. 10. "GIS" refers to the geographic information system established and maintained by the office under IC 2-5-1.1-12.2(f)(7).

Sec. 11. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 12. "Ideal district population" for a plan refers to the number equal to the quotient of the following, rounded to the nearest whole number:

(1) The numerator is the population of Indiana as reported by the most recent federal decennial census.

(2) The denominator is the number of districts required by this article for the plan.

Sec. 13. "Legislative district" refers to any of the following:

(1) A district of the house of representatives.

(2) A district for the senate.

Sec. 14. "Legislative leader" refers to any of the following:

(1) The speaker of the house of representatives.

(2) The minority leader of the house of representatives.

(3) The president pro tempore of the senate.

(4) The minority leader of the senate.

Sec. 15. "Office" refers to the office of census data of the agency established by IC 2-5-1.1-12.2.

Sec. 16. (a) "Plan" refers to any of the following:

(1) A plan for districts for the house of representatives.

(2) A plan for districts for the senate.

(3) A plan for Indiana congressional districts.

(b) A plan includes maps and written descriptions of the maps that define all the districts that a plan is required to have under this article.

Sec. 17. "Political subdivision" means a city,

county, town, or township.

Sec. 18. "Principal administrative officer" refers to the following:

(1) For the house, the principal clerk of the house.

(2) For the senate, the principal secretary of the senate.

Sec. 19. "Redistricting bill" refers to a bill prepared by the agency under IC 2-1.5-2-3 for any, all, or any combination of the following:

(1) Establishing house of representative districts.

(2) Establishing senate districts.

(3) Establishing Indiana congressional districts.

Sec. 20. "Redistricting year" refers to the year immediately following a census year.

Sec. 21. "Senate" refers to the senate of the general assembly.

Chapter 2. Redistricting Procedure

Sec. 1. (a) Before January 1 of a redistricting year, the agency shall acquire any hardware, software, and supplies necessary to establish the plans as required by this article.

(b) At any time, the agency may acquire additional hardware, software, and supplies the executive director considers necessary to accomplish the requirements of this article.

Sec. 2. After the agency obtains the census data from the Bureau, the office shall incorporate that data into the GIS and make necessary adjustments to the GIS to enable the agency to perform its duties under this article.

Sec. 3. (a) Not later than April 15 of a redistricting year, or not later than forty-five (45) days after the agency receives census data, if the agency receives census data after March 15 of a redistricting year, the agency shall do the following:

(1) Create maps for legislative districts and congressional districts that conform to the requirements of IC 2-1.5-3.

(2) Prepare all of the following:

(A) Written descriptions of the maps created under subdivision (1).

(B) A summary of the standards prescribed by IC 2-1.5-3 for development of the plans.

(C) A statement of the following:

(i) The population of each legislative and congressional district in the proposed plans.

(ii) The relative deviation of each district population from the ideal district population.

(D) The bills necessary for introduction to enact the legislative district plans and the congressional district plan.

(b) The agency shall publish all the information described in subsection (a) not later than the applicable date stated in subsection (a).

Sec. 4. (a) Not later than the applicable date stated in section 3(a) of this chapter, the agency shall deliver to the principal administrative officers the redistricting bills and the other information required by section 3 of this chapter.

(b) Not later than three (3) days after the date of the commission report required by IC 2-1.5-4-13, either body shall bring the redistricting bills for a vote on final passage in that body. The rules of each body must provide that no amendments, except amendments of a technical nature, may be offered to any of the redistricting bills.

(c) If a redistricting bill is passed in the first body, the other body must bring that bill to a vote on final passage in that body, without amendments, except amendments of a technical nature, not later than three (3) days after the bill is passed by the first body.

(d) If either body fails to pass a redistricting bill, the principal administrative officer of that body shall, not later than seven (7) days after the bill fails to pass in that body, transmit to the agency a resolution adopted by the body stating the objections that body had to the redistricting bill that was not passed.

(e) If the governor vetoes a redistricting bill, and either body sustains the governor's veto, the principal administrative officer of the body in which the bill was first passed shall transmit to the agency a copy of the governor's veto message.

Sec. 5. (a) This section applies only if either of the following occurs:

(1) A redistricting bill for a plan fails to be enacted under section 4 of this chapter.

(2) The veto of a redistricting bill for a plan is sustained under section 4 of this chapter.

(b) The agency shall prepare a second redistricting bill for the plan as provided in section 3 of this chapter, as far as possible according to the standards set by IC 2-1.5-3 and to meet the objections cited in any of the following:

(1) An applicable resolution adopted by either body.

(2) The governor's veto message.

(c) If a second redistricting bill for a plan is required under this section, the second bill shall be delivered to the principal administrative officers not later than thirty-five (35) days after the first redistricting bill for the plan failed or the governor's veto, whichever is applicable.

(d) Not later than seven (7) days after the second redistricting bill for a plan is delivered to the principal administrative officers, the bill shall be brought to a vote in either body without amendments, except amendments of a technical nature.

(e) If the second redistricting bill for a plan passes in the first body, the other body must bring that bill to a vote on final passage in that body, without amendments, except amendments of a technical nature, not later than three (3) days after the bill is passed by the first body.

(f) If either body fails to pass the second redistricting bill for a plan, the principal administrative officer of that body shall, not later than seven (7) days after the bill fails to pass in that body, transmit to the agency a resolution adopted by the body stating the objections that body had to the second redistricting bill.

(g) If the governor vetoes a second redistricting bill for a plan, and either body sustains the governor's veto, the principal administrative officer of the body in which the bill was first passed shall transmit to the agency a copy of the governor's veto message.

Sec. 6. (a) This section applies only if either of the following occurs:

(1) A second redistricting bill for a plan fails to be enacted under section 5 of this chapter.

(2) The veto of a second redistricting bill for a plan is sustained under section 5 of this chapter.

(b) The agency shall prepare a third redistricting bill for the plan as provided in section 3 of this chapter, as far as possible according to the standards set by IC 2-1.5-3 and to meet the objections cited in any of the following:

(1) An applicable resolution adopted by either body.

(2) The governor's veto message.

(c) If a third redistricting bill for a plan is required under this section, the bill shall be delivered to the principal administrative officers not later than thirty-five (35) days after the second redistricting bill for the plan failed or the governor's veto, whichever is applicable.

(d) Not later than seven (7) days after the third redistricting bill for a plan is delivered to the principal administrative officers, the bill shall be brought to a vote in either body. However, a third redistricting bill for a plan

may be amended by either body as provided in that body's rules.

(e) If the third redistricting bill for a plan passes in the first body, the other body must bring that bill to a vote on final passage in that body not later than three (3) days after the bill is passed by the first body. However, a third redistricting bill for a plan may be amended in either body as provided in that body's rules.

Sec. 7. (a) While the general assembly is in session considering redistricting bills as provided in this article, either body may adjourn from day to day as provided in that body's rules and in the joint rules of the house of representatives and the senate.

(b) Notwithstanding any provisions of IC 2-2.1 setting:

(1) the length of a session; or

(2) the date by which a session of the general assembly must adjourn sine die;

a session of the general assembly during which redistricting bills are being considered under this article may not adjourn sine die, until congressional districts and legislative districts have been established by law.

Chapter 3. Redistricting Standards

Sec. 1. Congressional districts and legislative districts must comply with the standards in this chapter.

Sec. 2. (a) A plan for house of representatives districts must provide for one hundred (100) districts.

(b) A plan for senate districts must provide for fifty (50) districts.

(c) A plan for congressional districts must provide for as many districts as are allocated to Indiana under 2 U.S.C. 2a.

Sec. 3. Districts must be established on the basis of population.

Sec. 4. (a) This section applies only to a legislative district.

(b) The population of a district must be as nearly equal as practicable to the ideal district population for that plan.

(c) The population of a district may not vary from the ideal district population for that plan except as necessary to comply with another standard of this chapter.

(d) The number obtained in STEP THREE of the following formula may not be greater than one percent (1%) of the ideal district population for the plan:

STEP ONE: Determine, for each district, the absolute value of the difference between the actual population of a district and the ideal district population for the plan.

STEP TWO: Find the sum of the values obtained under STEP ONE.

STEP THREE: Divide the sum obtained in STEP TWO by the number of districts required for the plan.

(e) The population of a district for a plan may not be more than five percent (5%) greater than the population of any other district in the plan.

Sec. 5. (a) This section applies only to districts in a congressional district plan.

(b) A congressional district must have a population as nearly equal as practicable to the ideal district population for a congressional plan.

(c) The population of a congressional district may not vary from the ideal district population by more than one percent (1%).

Sec. 6. (a) Districts must be composed of contiguous territory.

(b) Areas that meet only at the point of adjoining corners are not considered contiguous.

Sec. 7. Districts may not breach precinct boundaries.

Sec. 8. To the extent possible consistent with sections 3 through 7 of this chapter, district boundaries must seek to coincide with the boundaries of Indiana political subdivisions as follows:

(1) A plan must attempt to minimize the number of counties and cities divided among more than one (1) district.

(2) Except as provided in subdivision (3), if there is a choice between political subdivisions to be divided, a more populous political subdivision shall be divided before a less populous political subdivision is divided.

(3) Subdivision (2) does not apply to a district boundary drawn along a county line that passes through a municipality that lies in more than one (1) county.

Sec. 9. (a) Districts must be as compact as possible to the extent practicable while considering other provisions of this chapter.

(b) To measure the compactness of a district for purposes of comparison between proposed districts or between proposed plans, the following measures shall be used:

(1) Determination of the height and width of a district. The height of a district is the measure of the north and south distance between the northern most point of the district and the southern most point of the district. The width of a district is the measure of the east and west distance between the eastern most point of the district and the western most point of the district. The compactness measure under this subdivision is the absolute value of the difference between the height and the width of the district. A district that has a compactness measure that is less than the compactness measure of another district under this subdivision is considered to be more compact than the other district.

(2) Determination of the perimeter of a district. A district that has a perimeter that is less than the perimeter of another district is considered to be more compact than the other district.

(3) If a district is considered more compact than another district under subdivision (1) and less compact than the other district under subdivision (2), the measure under subdivision (1) prevails in determining compactness.

(c) The compactness measure of a plan is computed by determining the sum of the compactness measures of each district in the plan under both subsection (b)(1) and (b)(2). A plan is considered more compact than another plan if the compactness measure of the plan is less than the compactness measure of the other plan. If a plan is considered more compact than another plan under the compactness measure of subsection (b)(1) and less compact under the compactness measure of subsection (b)(2), the compactness measure under subsection (b)(1) prevails in determining compactness.

Sec. 10. (a) A district may not be drawn for the purpose of favoring any of the following:

(1) A political party.

(2) An incumbent member of the general assembly.

(3) An incumbent member of Congress.

(4) Any other person or group.

(b) A district may not be drawn for the purpose of augmenting or diluting the voting strength of a language or a racial minority group.

(c) In establishing districts, none of the following data may be used:

(1) Except as provided in subsection (d), the

addresses of incumbent members of the general assembly or Congress.

(2) The political affiliations of registered voters.

(3) Previous election results.

(4) Demographic information other than population counts, except as required by the Constitution of the United States and other federal law.

(d) A plan for senate districts may not include a senate district that includes the residence address of two (2) or more senators, more than one (1) of whose term of office expires at the second general election held after the redistricting year.

Chapter 4. Temporary Redistricting Advisory Commission

Sec. 1. The temporary redistricting advisory commission is established.

Sec. 2. (a) Except as provided in subsection (b), not later than February 15 of a redistricting year, each of the legislative leaders shall appoint one (1) individual to serve as a member of the commission.

(b) If the executive director determines, based on information received from the Bureau, that the release of census data will be delayed, the executive director shall inform the legislative leaders in writing of this determination. The executive director must include with this information to the legislative leaders the executive director's estimate, based on information received from the Bureau, of the date when the census data will be released. The legislative leaders may delay the appointments required by subsection (a) to not later than sixty (60) days before the date estimated by the executive director.

(c) Each legislative leader shall certify to the executive director the name of the individual whom the legislative leader has appointed under this section.

Sec. 3. (a) Not later than thirty (30) days after the last appointment made under section 2 of this chapter, the executive director shall convene the commission members appointed under section 2 of this chapter at the date, place, and time determined by the executive director.

(b) At the meeting convened under subsection (a), the commission members shall, by a majority vote of the members, appoint an additional individual to be the commission's chair.

Sec. 4. To serve on the commission, an individual must be a registered voter of Indiana.

Sec. 5. (a) The definitions in IC 3-5-2 apply throughout this section.

(b) An individual may not serve on the commission if the individual has been any of the following at any time less than six (6) years before the individual's appointment to the commission:

(1) A member of the general assembly or the Congress of the United States.

(2) A candidate for election to the general assembly or the Congress of the United States.

(3) The holder of a state office (as defined in IC 3-5-2-48).

(4) An appointed public official.

(5) An employee of any of the following:

(A) The general assembly.

(B) A member of the Congress of the United States from Indiana.

(6) The chairman or treasurer of a candidate's committee of a candidate for election to the general assembly or the Congress of the United States as required by IC 3-9-1 or federal law.

(7) A precinct committeeman or a precinct vice committeeman.

(8) A member of a candidate's committee.

(9) A member of a central committee.

(10) A member of a national committee of a political party.

(11) An employee or an agent of a political party or of an entity described in any of subdivisions (8) through (10).

(12) An individual who is either of the following:

(A) A paid consultant of an entity described in any of subdivisions (8) through (11).

(B) An employee of a paid consultant of an entity described in any of subdivisions (8) through (11).

(13) An individual registered as a lobbyist under IC 2-7.

Sec. 6. An individual serves as a commission member until the earlier of the following:

(1) The individual resigns the individual's membership on the commission.

(2) January 1 after congressional districts and legislative districts have been established by law under this article.

Sec. 7. (a) If a vacancy occurs in the position of a commission member who was appointed by a legislative leader, the individual who is the legislative leader of the caucus that appointed the individual who previously served in the vacant position shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs.

(b) If the position of commission chair becomes vacant, the commission shall appoint an individual to fill the vacancy:

(1) not later than fifteen (15) days after the vacancy occurs; and

(2) in the same manner described in section 2 of this chapter.

Sec. 8. The affirmative vote of three (3) commission members is necessary for the commission to take official action.

Sec. 9. Each commission member is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 10. (a) The agency shall provide the commission with staff and administrative services.

(b) The expenses of the commission shall be paid out of amounts appropriated to the legislative council (created by IC 2-5-1.1-1) and the agency.

Sec. 11. If in preparation of plans, the agency is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by this article, the agency may submit a written request for direction from the commission.

Sec. 12. (a) Except as provided in subsection (b), before the date set in IC 2-1.5-2-3(a), the agency may not provide to persons outside of the agency information relating to any plan except information permitted under policies adopted by the commission.

(b) Notwithstanding subsection (a), the agency may provide information furnished to the agency by the Bureau.

Sec. 13. (a) After the agency delivers the information required by IC 2-1.5-2-3, the commission shall do all of the following:

(1) As expeditiously as reasonably possible, schedule a public hearing on the plans delivered by the agency under IC 2-1.5-2-3 in northern Indiana, central Indiana, and southern Indiana.

(2) After all the hearings required by subdivision (1), prepare a report summarizing the information and testimony received by the commission during the hearings. The report shall include any comments and conclusions that any member wants to make regarding the information

and testimony received at the hearings or that is otherwise presented to the commission.

(b) The agency shall submit the commission's report to the principal administrative officers not later than fourteen (14) days after the information is submitted under IC 2-1.5-2-3.

SECTION 2. IC 3-3-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Redistricting Commission).

SECTION 3. IC 3-3-5-10, AS ADDED BY P.L.215-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Beginning November 6, 2012, the 2001 Congressional District Plan:

(1) adopted by the redistricting commission under IC 3-3-2 **(before its repeal);** and

(2) published in the governor's executive order 01-11 in the Indiana Register at 24 IR 3293-3298;

is void.

SECTION 4. IC 3-8-2-8, AS AMENDED BY P.L.169-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3;~~ **IC 2-1.5;** and

(2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3.~~ **IC 2-1.5.**

SECTION 5. IC 3-8-3-2, AS AMENDED BY P.L.169-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3;~~ **IC 2-1.5;** and

(2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3.~~ **IC 2-1.5.**

SECTION 6. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) This subsection applies only to an absentee ballot application submitted in an electronic format using a

module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide either of the following:

(1) The individual's ten (10) digit Indiana driver's license number.

(2) The last four (4) digits of the individual's Social Security number.

~~(f)~~ **(g)** A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(g)~~ **(h)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(h)~~ **(i)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

~~(i)~~ **(j)** The county election board shall record the date and time of the filing of the affidavit.".

Delete pages 2 through 4.

Page 5, delete lines 1 through 14.

Page 6, line 11, delete "2(j)" and insert "**2(i)**".

Page 6, line 32, delete "2(h)" and insert "**2(g)**".

Page 7, line 3, delete "2(i)" and insert "**2(h)**".

Page 7, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 9. **An emergency is declared for this act.**".

Delete pages 8 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as printed February 16, 2021.)

and when so amended that said bill do pass.

PIERCE

Upon request of Representatives Pierce and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 371: yeas 22, nays 62. Report failed.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) This subsection applies only to an absentee ballot application submitted in an electronic format using a module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide either of the following:

(1) The individual's ten (10) digit Indiana driver's license number.

(2) The last four (4) digits of the individual's Social Security number.

~~(f)~~ **(g)** A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(g)~~ **(h)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(h)~~ **(i)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

~~(i)~~ **(j)** The county election board shall record the date and time of the filing of the affidavit.".

Delete pages 2 through 4.

Page 5, delete lines 1 through 14.

Page 6, line 11, delete "2(j)" and insert "**2(i)**".

Page 6, line 32, delete "2(h)" and insert "**2(g)**".

Page 7, line 3, delete "2(i)" and insert "**2(h)**".

Page 7, delete lines 23 through 42.

Delete pages 8 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as printed February 16, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

WESCO, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 188

Representative Young called down Engrossed Senate Bill 188 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 188–1)

Mr. Speaker: I move that Engrossed Senate Bill 188 be amended to read as follows:

Page 2, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 2. IC 4-12-16-3, AS AMENDED BY P.L.201-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The fund consists of:

(1) except as provided in subsections (b) and (c), all funds received by the state under:

(A) multistate and Indiana specific settlements;

(B) assurances of voluntary compliance accepted by the attorney general; and

(C) any other form of agreement that:

(i) is enforceable by a court; and

(ii) settles litigation between the state and another party; and

(2) all money recovered as court costs or costs related to litigation.

(b) Any amount of restitution that is:

(1) awarded to an individual or institution under a settlement or assurance of voluntary compliance;

(2) unclaimed by an individual or institution;

(3) received by a state agency; and

(4) determined to be abandoned property under ~~IC 32-34-1;~~ **IC 32-34-1.5;**

must be deposited in the abandoned property fund ~~established by IC 32-34-1-33.~~ **under IC 32-34-1.5-42.**

(c) The fund does not include the following:

(1) Funds received by the state department of revenue.

(2) Funds required to be deposited in the securities division enforcement account (IC 23-19-6-1).

(3) Funds received as the result of a civil forfeiture under IC 34-24-1.

(4) Funds received as a civil penalty or as part of an enforcement or collection action by an agency authorized to impose a civil penalty or engage in an enforcement or collection action, if the funds are required to be deposited in the general fund or another fund by statute.

(5) Funds recovered by the Medicaid fraud control unit in actions to recover money inappropriately paid out of or obtained from the state Medicaid program.

(6) Amounts required to be paid as consumer restitution or refunds in settlements specified in this chapter.

(7) Amounts received under the Master Settlement Agreement (as defined in IC 24-3-3-6).".

Page 3, delete line 1.

Page 3, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.64-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;
(iv) the Indiana finance authority;
(v) an economic development commission;
(vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
(vii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;
(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).
(B) Vulnerability assessments.
(C) Risk planning documents.
(D) Needs assessments.
(E) Threat assessments.
(F) Intelligence assessments.
(G) Domestic preparedness strategies.
(H) The location of community drinking water wells and surface water intakes.
(I) The emergency contact information of emergency responders and volunteers.
(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.
(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:
(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
(L) The home address, home telephone number, and emergency contact information for any:
(i) emergency management worker (as defined in IC 10-14-3-3);
(ii) public safety officer (as defined in IC 35-47-4.5-3);
(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).
This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.
(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
(A) Telephone number.
(B) Address.
(C) Social Security number.
(21) The following personal information about a complainant contained in records of a law enforcement agency:
(A) Telephone number.
(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.
(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.
(23) Records requested by an offender, an agent, or a relative of an offender that:
(A) contain personal information relating to:
(i) a correctional officer (as defined in IC 5-10-10-1.5);
(ii) a probation officer;
(iii) a community corrections officer;
(iv) a law enforcement officer (as defined in IC 35-31.5-2-185);
(v) a judge (as defined in IC 33-38-12-3);
(vi) the victim of a crime; or
(vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or
(B) concern or could affect the security of a jail or correctional facility.
For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.
(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:
(A) Name.
(B) Address.
(C) Telephone number.
(D) Electronic mail account address.
(25) Criminal intelligence information.
(26) The following information contained in a report

of unclaimed property under ~~IC 32-34-1-26~~ **IC 32-34-1.5-18** or in a claim for unclaimed property under ~~IC 32-34-1-36.~~ **IC 32-34-1.5-48:**

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.".

Delete pages 4 through 11.

Page 12, delete lines 1 through 3.

Page 12, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 6. IC 6-8.1-8-15, AS ADDED BY P.L.111-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) As used in this section, "apparent owner" has the meaning set forth in ~~IC 32-34-1-4.~~ **IC 32-34-1.5-3(1).**

(b) As used in this section, "unclaimed property" ~~has the meaning set forth in IC 32-34-1-21.~~ **means property presumed abandoned under IC 32-34-1.5.**

(c) If an apparent owner of unclaimed property is subject to a tax warrant issued under IC 6-8.1-8-2, the department may levy on the unclaimed property by filing a claim with the attorney general in accordance with the procedures described in ~~IC 32-34-1-36.~~ **IC 32-34-1.5-48.**

SECTION 7. IC 10-11-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (c), if:

(1) the money, goods, or other property remains unclaimed in the possession or control of the employee to whom it was delivered for six (6) months; and

(2) the location of the owner is unknown;

the goods or other property shall be sold at public auction.

(b) Notice of the sale must be published one (1) time each week for two (2) consecutive weeks in a newspaper of general circulation printed in the community in which the sale is to be held. The notice must include the following information:

(1) The time and place of the sale.

(2) A description of the property to be sold.

(c) Any property that:

(1) is perishable;

(2) will deteriorate greatly in value by keeping; or

(3) the expense of keeping will be likely to exceed the value of the property;

may be sold at public auction in accordance with the rules or orders of the superintendent. If the nature of the property requires an immediate sale, the superintendent may waive the six (6) month period of custody and the notice of sale provided in this section.

(d) The proceeds of a sale, after deducting all reasonable charges and expenses incurred in relation to the property, and all money shall be presumed abandoned and shall be delivered to the attorney general for deposit into the abandoned property fund for disposition as provided by ~~IC 32-34-1-33~~ **IC 32-34-1.5-42** and ~~IC 32-34-1-34.~~ **IC 32-34-1.5-44.**".

Page 13, delete lines 1 through 17.

Page 14, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 10. IC 24-13-4-2, AS ADDED BY P.L.105-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A person who is entitled to bring an action on the person's own behalf under section 1 of this chapter may bring a class action on behalf of any class of persons of which the person is a member and that has been damaged by the pyramid promotional scheme, subject to and under the Indiana Rules of Trial Procedure governing class actions.

(b) The court may award reasonable attorney's fees to the party that prevails in a class action under this section. The attorney's fees must be determined by the amount of time reasonably expended by the attorney and not by the amount of the judgment. The court, however, may consider awarding a contingency fee.

(c) Any money or other property recovered in a class action under this section that cannot, with due diligence, be restored to the members of the class within one (1) year after the final judgment must be returned to the abandoned property fund ~~established by IC 32-34-1-33.~~ **under IC 32-34-1.5-42.**

(d) Actual damages awarded to a class have priority over any civil penalty imposed under this article.

SECTION 11. IC 25-30-1-5, AS AMENDED BY P.L.57-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official

duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

(5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

(6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance underwriting purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.

(8) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

(9) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

(10) A professional surveyor with a certificate of registration under IC 25-21.5, to the extent the professional surveyor is engaged in an investigation incident to the practice of surveying.

(11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(12) An independent consultant employed by the attorney general under ~~IC 32-34-1-48,~~ **IC 32-34-1.5-60,** to the extent that the independent consultant is engaged in providing services for the attorney general.".

Delete page 15.

Page 16, delete lines 1 through 30.

Page 17, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 15. IC 27-2-23-21, AS ADDED BY P.L.166-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. This chapter does not prevent the attorney general from conducting an examination of the records of an insurance company under ~~IC 32-34-1-42.~~ **IC 32-34-1.5-53.**".

Page 18, delete line 1.

Page 18, delete lines 11 through 15, begin a new paragraph and insert:

"SECTION 17. IC 30-2-16-7, AS ADDED BY P.L.141-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. Section 5 of this chapter does not apply to accounts containing a static balance that would otherwise be reported to the state under ~~IC 32-34-1-26~~ **IC 32-34-1.5-18** as Indiana property.".

Page 18, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 20. IC 32-34-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 1.5. Revised Unclaimed Property Act

Sec. 1. (a) This chapter does not apply to property held, due, and owing in a foreign country if the transaction out of which the property arose was a foreign transaction.

(b) This chapter does not apply to a business to business credit memorandum or a credit balance resulting from a business to business credit memorandum.

Sec. 2. This chapter may be cited as the "revised unclaimed property act".

Sec. 3. The following definitions apply throughout this chapter:

(1) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(2) "Attorney general's agent" means a person with which the attorney general contracts to conduct an examination under section 53 of this chapter on behalf of the attorney general.

(3) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(4) "Confidential information" means records, reports, and information that are considered confidential under section 78 of this chapter.

(5) "Domicile" means the following:

(A) For a corporation, the state of its incorporation.

(B) For a business association other than a corporation whose formation requires a filing with a state, the state of its filing.

(C) For a federally chartered entity or an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 et seq.), the state of its home office.

(D) For any other holder, the state of its principal place of business.

(6) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(7) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(8) "Financial organization" means a savings and loan association, building and loan association,

savings bank, industrial bank, bank, banking organization, or credit union.

(9) "Game related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term includes game-play currency such as a virtual wallet, even if denominated in United States currency and, if for use or redemption only within the game or platform or another electronic game or electronic-game platform, points sometimes referred to as gems, tokens, gold, and similar names and digital codes. The term does not include an item that the issuer:

(A) permits to be redeemed for use outside a game or platform for money or goods or services that have more than minimal value; or

(B) otherwise monetizes for use outside a game or platform.

(10) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.

(11) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker's compensation insurance.

(12) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(13) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by a law of this state other than this chapter.

(14) "Mineral proceeds" means an amount payable for the extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(C) under an agreement or option, including a joint-operation agreement, unit agreement, pooling agreement, and farm out agreement.

(15) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

(16) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

(17) "Non-freely transferable security" means a security that cannot be delivered to the attorney general by the Depository Trust & Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(18) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

(A) for a deposit, a depositor;

(B) for a trust other than a deposit in trust, a beneficiary;

(C) for other property, a creditor, claimant, or payee; and

(D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(19) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E (12 CFR Part 1005).

(20) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(21) "Property" means tangible property described in section 8 of this chapter or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government or governmental subdivision, agency, or instrumentality. The term includes:

(A) all income from or increments to the property; and

(B) property referred to as or evidenced by:

(i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) a credit balance, customer's overpayment, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) a security, except for a worthless security or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) a bond, debenture, note, or other evidence of indebtedness;

(v) money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) an amount due and payable under an annuity contract or insurance policy; and

(vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase,

profit sharing, employee savings, supplemental unemployment insurance, or a similar benefit.

The term does not include property held in a plan described in Section 529A of the Internal Revenue Code, game related digital content, a loyalty card, or an in-store credit for returned merchandise.

(22) "Putative holder" means a person believed by the attorney general to be a holder, until the person pays or delivers to the attorney general property subject to this chapter or the attorney general or court makes a final determination that the person is or is not a holder.

(23) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(24) "Security" means:

(A) a security (as defined in IC 26-1-8.1-102);

(B) a security entitlement (as defined in IC 26-1-8.1-102), including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) payable to the order of the person; or

(iii) specifically indorsed to the person; or

(C) an equity interest in a business association not included in clause (A) or (B).

(25) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(26) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(27) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(A) Transmission of communications or information.

(B) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(C) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

(28) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(A) the software or protocols governing the transfer of the digital representation of value;

(B) game related digital content; or

(C) a loyalty card or gift card.

(29) "Worthless security" means a security whose cost of liquidation and delivery to the attorney general would exceed the value of the security on the date a report is due under this chapter.

Sec. 4. Subject to section 11 of this chapter, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified as follows:

(1) For a traveler's check, fifteen (15) years after issuance.

(2) For a money order, seven (7) years after issuance.

(3) For a state or municipal bond, bearer bond, or original issue discount bond, three (3) years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises.

(4) For a debt of a business association, three (3) years after the obligation to pay arises.

(5) For a payroll card or demand, savings, or time deposit, including a deposit that is automatically renewable, three (3) years after the maturity of the deposit. This does not include a deposit that is automatically renewable, which is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at the time of account opening or at or about the time of the renewal.

(6) For money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, three (3) years after the obligation arose.

(7) For an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three (3) years after the obligation to pay arose under the terms of the policy or contract. If a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, the amount must be paid as follows:

(A) With respect to an amount owed on a life or endowment insurance policy, three (3) years after the earlier of the date the insurance company has knowledge of the death of the insured or the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based.

(B) With respect to an amount owed on an annuity contract, three (3) years after the date the insurance company has knowledge of the death of the annuitant.

(8) For property distributable by a business association in the course of dissolution, one (1) year after the property becomes distributable.

(9) For property held by a court, including property received as proceeds of a class action, one (1) year after the property becomes distributable.

(10) For property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one (1) year after the property becomes distributable.

(11) For wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, other than amounts held in a payroll card, one (1) year after the amount becomes payable.

(12) For a deposit or refund owed to a subscriber by a utility, one (1) year after the deposit or refund becomes payable.

(13) For property not specified in this section or

sections 8 and 9 of this chapter, the earlier of three (3) years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Sec. 5. (a) Subject to section 11 of this chapter, property held in a pension account or retirement account that qualifies for tax deferral under federal income tax laws is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the later of the following:

(1) The following dates:

(A) Except as provided in clause (B), the date a second consecutive communication sent by the holder by first class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service.

(B) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service.

(2) The earlier of the following dates:

(A) The date the apparent owner reaches the age at which the Internal Revenue Service requires a minimum distribution from the account, if determinable by the holder.

(B) If the Internal Revenue Code requires distribution to avoid a tax penalty, two (2) years after the following dates:

(i) The date the holder receives confirmation of the death of the apparent owner in the ordinary course of its business.

(ii) The date the holder confirms the death of the apparent owner under subsection (b).

(b) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner of an account described in subsection (a) and subsection (a)(2) applies, the holder shall attempt not later than ninety (90) days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(c) If the holder does not send communications to the apparent owner of an account described in subsection (a) by first class United States mail, the holder must attempt to confirm the apparent owner's interest in the property by sending the apparent owner an electronic mail communication not later than two (2) years after the apparent owner's last indication of interest in the property. However, the holder must attempt to contact the apparent owner by first class United States mail within sixty (60) days if any of the following apply:

(1) The holder does not have information needed to send the apparent owner an electronic mail communication or the holder believes the apparent owner's electronic mail address in the holder's records is not valid.

(2) The holder receives notification the electronic mail communication was not received.

(3) The apparent owner does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(d) If first class United States mail sent under subsection (c) is returned to the holder undelivered by the United States Postal Service, the property is presumed abandoned three (3) years after the later of the following:

(1) Except as provided in subdivision (2), the date a second consecutive communication to the apparent owner sent by first class United States mail is returned to the holder undelivered.

(2) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered.

(3) The date established by subsection (a)(2).

Sec. 6. Subject to section 11 of this chapter and except for property described in section 5 of this chapter and property held in a plan described in Section 529A of the Internal Revenue Code, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the earlier of the following:

(1) The date, if determinable by the holder, specified in federal income tax laws and regulations by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made.

(2) Thirty (30) years after the date the account was opened.

Sec. 7. (a) Subject to section 11 of this chapter, property held in an account established under a state's Uniform Gifts to Minors Act or Uniform Transfers to Minors Act is presumed abandoned if it is unclaimed by or on behalf of the minor on whose behalf the account was opened three (3) years after the later of the following:

(1) Except as provided in subdivision (2), the date a second consecutive communication sent by the holder by first class United States mail to the custodian of the minor on whose behalf the account was opened is returned undelivered to the holder by the United States Postal Service.

(2) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered.

(3) The date on which the custodian is required to transfer the property to the minor or the minor's estate in accordance with the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act of the state in which the account was opened.

(b) If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection (a) was opened by first class United States mail, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an electronic mail communication not later than two (2) years after the custodian's last indication of interest in the property. However, the holder shall attempt to contact the custodian by first class United States mail within sixty (60) days if any of the following applies:

(1) The holder does not have information needed to send the custodian an electronic mail communication or the holder believes the electronic mail address in the holder's records is not valid.

(2) The holder receives notification that the electronic mail communication was not received.

(3) The custodian does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(c) If first class United States mail sent under subsection (b) is returned undelivered to the holder by the United States Postal Service, the property is presumed abandoned three (3) years after the later of the following:

(1) The date a second consecutive communication to contact the custodian by first class United States mail is returned to the holder undelivered

by the United States Postal Service.

(2) The date established by subsection (a)(3).

(d) When the property in the account described in subsection (a) is transferred to the minor on whose behalf an account was opened or to the minor's estate, the property in the account is no longer subject to this section.

Sec. 8. Tangible property held in a safe deposit box and proceeds from a sale of the property by the holder permitted by law of this state other than this chapter are presumed abandoned if the property remains unclaimed by the apparent owner five (5) years after the earlier of the:

(1) expiration of the lease or rental period for the box; or

(2) earliest date when the lessor of the box is authorized by law of this state other than this chapter to enter the box and remove or dispose of the contents without consent or authorization of the lessee.

Sec. 9. (a) Subject to section 11 of this chapter, a security is presumed abandoned three (3) years after:

(1) the date a second consecutive communication sent by the holder by first class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(2) if the second communication is made later than thirty (30) days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(b) If the holder does not send communications to the apparent owner by first class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an electronic mail communication not later than two (2) years after the apparent owner's last indication of interest in the security. However, the holder must attempt to contact the apparent owner by first class United States mail within sixty (60) days if:

(1) the holder does not have information needed to send the apparent owner an electronic mail communication or the holder believes that the apparent owner's electronic mail address in the holder's records is not valid;

(2) the holder receives notification that the electronic mail communication was not received; or

(3) the apparent owner does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(c) If first class United States mail sent under subsection (b) is returned to the holder undelivered by the United States Postal Service, the security is presumed abandoned three (3) years after the date the mail is returned.

Sec. 10. At and after the time property is presumed abandoned under this chapter, any other property right or interest accrued or accruing from the property and not previously presumed abandoned is also presumed abandoned.

Sec. 11. (a) The period after which property is presumed abandoned is measured from the later of:

(1) the date the property is presumed abandoned under this chapter; or

(2) the latest indication of interest by the apparent owner in the property.

(b) Under this chapter, an indication of an apparent owner's interest in property includes:

(1) a record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(2) an oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(3) presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(4) activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(5) a deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(6) subject to subsection (e), payment of a premium on an insurance policy;

(7) the mailing of any correspondence in writing from a financial institution to the apparent owner, including:

(A) a statement;

(B) a report of interest paid or credited; or

(C) any other written advice;

relating to a demand, savings, or matured time deposit account, including a deposit account that is automatically renewable or any other account or property the apparent owner has with the financial institution, if the correspondence is not returned to the financial institution for nondelivery;

(8) any activity by the apparent owner that concerns:

(A) another demand, savings, or matured time deposit account or other account the apparent owner has with a financial institution, including any activity by the apparent owner that results in an increase or decrease in the amount of any other account; or

(B) any other relationship with the financial institution, including the payment of any amounts due on a loan; and

(9) any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows the property exists.

(c) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(d) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(e) If an insured dies or an insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or

terminating.

Sec. 12. (a) As used in this section, "death master file" means the United States Social Security Administration Death Master File or other data base or service that is at least as comprehensive as the United States Social Security Administration Death Master File for determining that an individual reportedly has died.

(b) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

(1) the company receives a death certificate or court order determining that the insured or annuitant has died;

(2) due diligence, performed as required under IC 27-2-23 to maintain contact with the insured or annuitant or determine whether the insured or annuitant has died, validates the death of the insured or annuitant;

(3) the company conducts a comparison for any purpose between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and validates the death;

(4) the attorney general or the attorney general's agent conducts a comparison for the purpose of finding matches during an examination conducted under section 53 of this chapter between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death; or

(5) the company:

(A) receives notice of the death of the insured or annuitant from the attorney general, a beneficiary, policy owner, relative of the insured, or trustee or from an executor or other legal representative of the insured's or annuitant's estate; and

(B) validates the death of the insured or annuitant.

(c) The following rules apply under this section:

(1) A death master file match under subsection (b)(3) or (b)(4) occurs if the criteria for an exact or partial match are satisfied as provided under:

(A) IC 27-2-23;

(B) the National Conference of Insurance Legislators' model legislation regarding unclaimed benefits; or

(C) a rule or policy adopted by the department of insurance.

(2) The death master file match does not constitute proof of death for the purpose of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the policy or contract for an amount due under an insurance policy or annuity contract.

(3) The death master file match or validation of the insured's or annuitant's death does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

(4) If no provision in IC 27-2 establishes a time for validation of a death of an insured or annuitant, the insurance company shall make a good faith effort using other available records and information to validate the death and document the effort taken not later than ninety (90) days after the insurance company has notice of the death.

(d) This chapter does not affect the determination of the extent to which an insurance company, before July 1, 2021, had knowledge of the death of an insured or annuitant or was required to conduct a death master file comparison to determine whether amounts owed by the company on a life or endowment insurance policy or annuity contract were presumed abandoned or unclaimed.

Sec. 13. If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check or draft writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account.

Sec. 14. (a) The following rules apply under this section:

(1) The last known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or indication of location is not sufficient to direct the delivery of first class United States mail to the apparent owner.

(2) If the United States postal ZIP code associated with the apparent owner is for a post office located in this state, this state is deemed to be the state of the last known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under subdivision (2) is in another state, the other state is deemed to be the state of the last known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under IC 27-2.

(b) The attorney general may take custody of property presumed abandoned, whether located in this state, another state, or a foreign country if:

(1) the last known address of the apparent owner in the records of the holder is in this state; or

(2) the records of the holder do not reflect the identity or last known address of the apparent owner, but the attorney general has determined that the last known address of the apparent owner is in this state.

(c) Except as provided in subsection (d), if records of a holder reflect multiple addresses for an apparent owner and this state is the state of the most recently recorded address, this state may take custody of property presumed abandoned, whether located in this state or another state.

(d) If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection (c) is a temporary address and this state is the state of the next most recently recorded address that is not a temporary address, this state may take custody of the property presumed abandoned.

(e) Except as provided elsewhere in this section, the attorney general may take custody of property presumed

abandoned, whether located in this state, another state, or a foreign country, if the holder is domiciled in this state or is this state or a governmental subdivision, agency, or instrumentality of this state, and:

(1) another state or foreign country is not entitled to the property because there is no last known address of the apparent owner or other person entitled to the property in the records of the holder; or

(2) the state or foreign country of the last known address of the apparent owner or other person entitled to the property does not provide for custodial taking of the property.

If the holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this subsection is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.

(f) Property is not subject to custody of the attorney general under subsection (e) if the property is specifically exempt from custodial taking under the law of this state or the state or foreign country of the last known address of the apparent owner.

(g) If a holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this section is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.

Sec. 15. Except as provided in sections 12, 13, and 14 of this chapter, the attorney general may take custody of property presumed abandoned whether located in this state or another state if:

(1) the transaction out of which the property arose took place in this state;

(2) the holder is domiciled in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the holder's domicile, the property is not subject to the custody of the attorney general; and

(3) the last known address of the apparent owner or other person entitled to the property is unknown or in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the last known address, the property is not subject to the custody of the attorney general.

Sec. 16. The attorney general may take custody of sums payable on a traveler's check, money order, or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. 2501 through 2503.

Sec. 17. If a holder disputes the attorney general's right to custody of unclaimed property, the attorney general has the burden to prove:

(1) the existence and amount of the property;

(2) the property is presumed abandoned; and

(3) the property is subject to the custody of the attorney general.

Sec. 18. (a) A holder of property presumed abandoned and subject to the custody of the attorney general must report in a record to the attorney general concerning the property. The attorney general may not require a holder to file a paper report.

(b) A holder may contract with a third party to make the report required under subsection (a).

(c) Whether or not a holder contracts with a third party under subsection (b), the holder is responsible:

(1) to the attorney general for the complete, accurate, and timely reporting of property presumed abandoned; and

(2) for paying or delivering to the attorney general property described in the report.

Sec. 19. (a) The report required under section 18 of this chapter must:

(1) be signed by or on behalf of the holder and verified as to its completeness and accuracy;

(2) if filed electronically, be in a secure format approved by the attorney general which protects confidential information of the apparent owner in the same manner as required of the attorney general's agent under section 80 of this chapter;

(3) describe the property;

(4) contain:

(A) the name, if known;

(B) the last known address, if known; and

(C) the Social Security number or taxpayer identification number, if known or readily ascertainable;

of the apparent owner of the property of property with a value of fifty dollars ($50) or more;

(5) for an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;

(6) for property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the attorney general, and any amounts owed to the holder under section 32 of this chapter;

(7) contain the commencement date for determining abandonment under sections 4, 5, 6, 7, 8, and 9 of this chapter;

(8) state that the holder has complied with the notice requirements of section 23 of this chapter;

(9) identify property that is a non-freely transferable security and explain why it is a non-freely transferable security; and

(10) include any other information required by the attorney general.

(b) A report required under section 18 of this chapter may include in the aggregate items valued under fifty dollars ($50) each. If the report includes items in the aggregate valued under fifty dollars ($50) each, the attorney general may not require the holder to provide the name and address of an apparent owner of an item, unless the information is necessary to verify or process a claim in progress by the apparent owner.

(c) A report required under section 18 of this chapter may include personal information as defined in section 77(a) of this chapter about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(d) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report required under section 18 of this chapter its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

Sec. 20. (a) Except as otherwise provided in subsection (b) and subject to subsection (c), the report required under section 18 of this chapter must be filed before November 1 of each year and cover the twelve (12) months preceding July 1 of that year.

(b) Subject to subsection (c), the report required under section 18 of this chapter to be filed by an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

(c) Before the date for filing the report required

under section 18 of this chapter, the holder of property presumed abandoned may request that the attorney general extend the time for filing. The attorney general may grant an extension. If an extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. A payment or partial payment under this subsection terminates accrual of interest on the amount paid.

Sec. 21. A holder required to file a report under section 18 of this chapter must retain records for ten (10) years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the attorney general. The holder may satisfy the requirement to retain records under this section through an agent. The records must contain:

(1) the information required to be included in the report;

(2) the date, place, and nature of the circumstances that gave rise to the property right;

(3) the amount or value of the property;

(4) the last address of the apparent owner, if known to the holder; and

(5) if the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue.

Sec. 22. Property is reportable and payable under this chapter even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment.

Sec. 23. (a) Subject to subsection (b), the holder of property presumed abandoned must send to the apparent owner notice by first class United States mail that complies with section 24 of this chapter in a format acceptable to the attorney general not more than one hundred eighty (180) days and less than sixty (60) days before filing the report under section 18 of this chapter if:

(1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first class United States mail to the apparent owner; and

(2) the value of the property is fifty dollars ($50) or more.

(b) If an apparent owner has consented to receive electronic mail delivery from the holder, the holder may, at its election, send the notice described in subsection (a) by either first class United States mail to the apparent owner's last known mailing address, or by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

Sec. 24. (a) The notice under section 23 of this chapter must contain a heading that reads substantially as follows:

"Notice. The State of Indiana requires us to notify you that your property may be transferred to the custody of the attorney general if you do not contact us before thirty (30) days after the date of this notice.".

(b) The notice under section 23 of this chapter must:

(1) identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;

(2) state that the property will be turned over to the attorney general;

(3) state that after the property is turned over to the attorney general an apparent owner that seeks return of the property must file a claim with the attorney general;

(4) state that property that is not legal tender of the United States may be sold by the attorney general; and

(5) provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the attorney general.

Sec. 25. (a) The attorney general shall give notice to an apparent owner that property presumed abandoned and appearing to be owned by the apparent owner is held by the attorney general under this chapter by:

(1) publishing once per year in at least one (1) newspaper of general circulation to each county of the state notice of property with a value greater than one hundred dollars ($100) held by the attorney general, which must include:

(A) the name of each apparent owner residing in the county, as set forth in the report filed by the holder;

(B) the last known address or location of each apparent owner residing in the county, if an address or a location is set forth in the report filed by the holder;

(C) a statement explaining that the property of the apparent owner is presumed abandoned and has been taken into the protective custody of the attorney general;

(D) a statement that information about the abandoned property and its return to the apparent owner is available from the attorney general to a person having a legal or beneficial interest in the property;

(E) the web address of the unclaimed property Internet web site maintained by the attorney general;

(F) a telephone number and electronic mail address to contact the attorney general to inquire about or claim property; and

(G) a statement that a person may access the Internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library; and

(2) maintaining an Internet web site or data base accessible by the public and electronically searchable which contains the names reported to the attorney general of all apparent owners for whom property valued at ten dollars ($10) or more is being held by the attorney general.

(b) The Internet web site or data base maintained under subsection (a)(2) must include instructions for filing with the attorney general a claim to property and a printable claim form with instructions for its use.

(c) In addition to publishing the information under subsection (a)(1) and maintaining the Internet web site or data base under subsection (a)(2), the attorney general may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the attorney general.

Sec. 26. Unless prohibited by law other than this chapter, on request of the attorney general, each officer, agency, board, commission, division, and department of the state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state shall make its books and records available to the attorney general and cooperate with the attorney general to determine the current address of an apparent owner of property held by the attorney general under this chapter.

Sec. 27. In this chapter, payment or delivery of property is made in good faith if a holder:

(1) had a reasonable basis for believing, based on the facts then known, that the property was required or permitted to be paid or delivered to the attorney general under this chapter; or

(2) made payment or delivery:

(A) in response to a demand by the attorney general or the attorney general's agent; or

(B) under a guidance or ruling issued by the attorney general which the holder reasonably believed required or permitted the property to be paid or delivered.

Sec. 28. (a) A holder may deduct a dormancy charge from property required to be paid or delivered to the attorney general if:

(1) a valid contract between the holder and the apparent owner authorizes imposition of the charge for the apparent owner's failure to claim the property within a specified time; and

(2) the holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge.

(b) The amount of the deduction under subsection (a) is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner.

Sec. 29. (a) Except as otherwise provided in this section, upon filing a report under section 18 of this chapter, the holder shall pay or deliver to the attorney general the property described in the report.

(b) If property in a report under section 18 of this chapter is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the attorney general at the time of the report, the date for payment of the property to the attorney general is extended until a penalty or forfeiture no longer would result from payment.

(c) Tangible property in a safe deposit box may not be delivered to the attorney general until thirty (30) days after filing the report under section 18 of this chapter.

(d) If property reported to the attorney general under section 18 of this chapter is a security, the attorney general may:

(1) make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or

(2) dispose of the security under section 38 of this chapter.

(e) If the holder of property reported to the attorney general under section 18 of this chapter is the issuer of a certificated security, the attorney general may obtain a replacement certificate in physical or book entry form under IC 26-1-8.1-405. An indemnity bond is not required.

(f) The attorney general shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the attorney general by a holder.

(g) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the state against, a claim arising with respect to property after property has been delivered to the attorney general.

(h) A holder is not required to deliver to the attorney general a security identified by the holder as a non-freely transferable security. If the attorney general or holder determines that a security is no longer a non-freely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 18 of this chapter as a non-freely transferable security is no longer a non-freely transferable security.

Sec. 30. (a) On payment or delivery of property to the attorney general under this chapter, the attorney general, as agent for the state, assumes custody and responsibility for safekeeping the property. A holder that pays or delivers property to the attorney general in good faith and substantially complies with sections 23 and 24 of this chapter is relieved of liability arising after with respect to payment or delivery of the property to the attorney general.

(b) The state must defend and indemnify a holder against liability on a claim against the holder resulting from the payment or delivery of property to the attorney general made in good faith and after the holder substantially complied with sections 23 and 24 of this chapter.

Sec. 31. (a) A holder that pays money to the attorney general under this chapter may file a claim for reimbursement from the attorney general of the amount paid if the holder:

(1) paid the money in error; or

(2) after paying the money to the attorney general, paid money to a person the holder reasonably believed was entitled to the money.

(b) If a claim for reimbursement under subsection (a) is made for a payment made on a negotiable instrument, including a traveler's check, money order, or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed was entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order.

(c) If a holder is reimbursed by the attorney general under subsection (a)(2), the holder may also recover from the attorney general income or gain under section 33 of this chapter that would have been paid to the owner if the money had been claimed from the attorney general by the owner to the extent the income or gain was paid by the holder to the owner.

(d) A holder that delivers property other than money to the attorney general under this chapter may file a claim for return of the property from the attorney general if:

(1) the holder delivered the property in error; or

(2) the apparent owner has claimed the property from the holder.

(e) If a claim for return of property is made under subsection (d), the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the attorney general in error.

(f) The attorney general may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

(g) A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

(h) Not later than ninety (90) days after a claim is filed under subsection (a) or (d), the attorney general shall allow or deny the claim and give the claimant notice of the decision in a record. If the attorney general does not take action on a claim during the ninety (90) day period, the claim is deemed denied.

(i) The claimant may initiate a proceeding under IC 4-21.5 for review of the attorney general's decision or the deemed denial under subsection (h) not later than:

(1) thirty (30) days following receipt of the notice of the attorney general's decision; or

(2) one hundred twenty (120) days following the filing of a claim under subsection (a) or (d) in the case of a deemed denial under subsection (h).

(j) A final decision in an administrative proceeding initiated under subsection (i) is subject to judicial review by a trial court with competent jurisdiction.

Sec. 32. Property removed from a safe deposit box and delivered to the attorney general under this chapter is subject to the holder's right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The attorney general shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the attorney general in selling the property. If a claim is filed for property removed from a safe deposit box before the property is sold, the owner must provide proof that all unpaid rent and fees have been paid to the financial institution.

Sec. 32.5. (a) Notwithstanding section 30(a) of this chapter, United States savings bonds that are presumed abandoned under this chapter escheat to the state subject to the provisions of this chapter. All property rights and legal title to United States savings bonds and proceeds from United States savings bonds vest solely in the state.

(b) If:

(1) a claim has not been made for a United States savings bond in accordance with the provisions of this chapter within one hundred eighty (180) days after the bond stops earning interest; and

(2) the attorney general brings an action in a court with competent jurisdiction;

the court shall enter a judgment for the state concerning the bond if the court is satisfied with the evidence that the attorney general has substantially complied with this chapter and the laws of the state.

(c) The attorney general shall:

(1) collect all United States savings bonds escheated to the state, including any proceeds from the bonds; and

(2) transfer all money received to the treasurer of state under section 42 of this chapter.

(d) A person who wishes to make a claim for a United States savings bond escheated to the state under this section may file a claim with the attorney general. Upon providing sufficient proof of the validity of the claim filed under this subsection, the attorney general may pay the claim, less any expenses and costs that have been incurred by the state in securing full title and ownership of the property by escheat.

(e) If payment has been made to a claimant under subsection (d), an action may not be brought or maintained against the state, or any officer of the state, for or on account of any acts taken by the attorney general under this section.

Sec. 33. (a) If property other than money is delivered to the attorney general, the owner is entitled to receive from the attorney general income or gain realized or accrued on the property before the property is sold. If the property was an interest bearing demand, savings, or time deposit, the attorney general shall pay interest at the lesser rate of the average commercial interest rate for similar interest bearing property, as determined by an appropriate index, or the rate the property earned while in the possession of the holder. Interest begins to accrue when the property is delivered to the attorney general and ends on the date on which payment is made to the owner.

(b) Interest on interest bearing property is not payable under this section for any period before July 1, 2021, unless authorized by IC 32-34-1-30.1 (before its repeal).

Sec. 34. (a) The attorney general may decline to take custody of property reported under section 18 of this chapter if the attorney general determines that:

(1) the property has a value less than the estimated expenses of notice and sale of the property; or

(2) taking custody of the property would be unlawful.

(b) A holder may pay or deliver property to the attorney general before the property is presumed abandoned under this chapter if the holder:

(1) sends the apparent owner of the property notice required by section 23 of this chapter and provides the attorney general evidence of the holder's compliance with this subsection;

(2) includes with the payment or delivery a report regarding the property conforming to section 19 of this chapter; and

(3) first obtains the attorney general's consent in a record to accept payment or delivery.

(c) A holder's request for the attorney general's consent under subsection (b)(3) must be in a record. If the attorney general fails to respond to the request not later than thirty (30) days after receipt of the request, the attorney general is deemed to have denied the payment or delivery of the property.

(d) On payment or delivery of property under subsection (b), the property is presumed abandoned.

Sec. 35. (a) If the attorney general takes custody of property delivered under this chapter and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the attorney general may return the property to the holder or destroy or otherwise dispose of the property.

(b) An action or proceeding may not be commenced against the state, an agency of the state, the attorney general, another officer, employee, or agent of the state, or a holder for or because of an act of the attorney general under this section, except for intentional misconduct or malfeasance.

Sec. 36. (a) Expiration before, on, or after the effective date of this chapter of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of the holder under this chapter to file a report or pay or deliver property to the attorney general.

(b) The attorney general may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than five (5) years after the holder filed a nonfraudulent report under section 18 of this chapter with the attorney general. The parties may agree in a record to extend the limitation in this subsection.

(c) The attorney general may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than ten (10) years after the duty arose.

Sec. 37. (a) Subject to section 38 of this chapter, not earlier than three (3) years after receipt of property presumed abandoned, the attorney general may sell the property.

(b) Before selling property under subsection (a), the attorney general must give notice to the public of:

(1) the date of the sale; and

(2) a reasonable description of the property.

(c) A sale under subsection (a) must be to the highest bidder:

(1) at public sale at a location in this state which the attorney general determines to be the most favorable market for the property;

(2) on the Internet; or

(3) on another forum the attorney general determines is likely to yield the highest net proceeds of sale.

(d) The attorney general may decline the highest bid at a sale under this section and reoffer the property for sale if the attorney general determines the highest bid is insufficient.

(e) If a sale held under this section is to be conducted other than on the Internet, the attorney general must publish at least one (1) notice of the sale, at least three (3) weeks but not more than five (5) weeks before the sale, in a newspaper of general circulation in the county in which the property is sold.

Sec. 38. (a) The attorney general shall sell a security as soon as reasonably possible.

(b) The attorney general may not sell a security listed on an established stock exchange for less than the price prevailing on the exchange at the time of sale. The attorney general may sell a security not listed on an established exchange by any commercially reasonable method.

Sec. 39. If a valid claim is made for a security in the possession of the attorney general, the attorney general shall:

(1) transfer the security to the claimant; or

(2) pay the claimant the value of the security as of the date the security was delivered to the attorney general.

Sec. 40. A purchaser of property at a sale conducted by the attorney general under this chapter takes the property free of all claims of the owner, a previous holder, or a person claiming through the owner or holder. The attorney general shall execute documents necessary to complete the transfer of ownership to the purchaser.

Sec. 41. (a) The attorney general may not sell a medal or decoration awarded for military service in the armed forces of the United States.

(b) The attorney general, with the consent of the respective organization under subdivision (1), agency under subdivision (2), or entity under subdivision (3), may deliver a medal or decoration described in subsection (a) to be held in custody for the owner, to:

(1) a military veterans organization qualified under Section 501(c) of the Internal Revenue Code;

(2) the agency that awarded the medal or decoration; or

(3) a governmental entity.

(c) Upon delivery under subsection (b), the attorney general is not responsible for safekeeping the medal or decoration.

Sec. 42. (a) Except as otherwise provided in this section, the attorney general shall transfer to the treasurer of state for deposit in the abandoned property fund all funds received under this chapter, including proceeds from the sale of property under sections 37 and 38 of this chapter.

(b) The attorney general shall maintain an account with an amount of funds the attorney general reasonably estimates is sufficient to pay claims allowed under this chapter. If the aggregate amount of claims by owners allowed at any time exceeds the amount held in the account, an excess claim must be paid out of the state general fund.

Sec. 43. The attorney general shall:

(1) record and retain the name and last known address of each person shown on a report filed under section 18 of this chapter to be the apparent owner of property delivered to the attorney general;

(2) record and retain the name and last known address of each insured or annuitant and beneficiary shown on the report;

(3) for each policy of insurance or annuity contract listed in the report of an insurance company, record and retain the policy or account number, the name of the company, and the amount due or paid; and

(4) for each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid.

Sec. 44. (a) Before transferring funds received under this chapter to the treasurer of state for deposit in the abandoned property fund, the attorney general may deduct:

(1) expenses of disposition of property delivered to the attorney general under this chapter;

(2) costs of mailing and publication in connection with property delivered to the attorney general under this chapter;

(3) reasonable service charges; and

(4) expenses incurred in examining records of or collecting property from a putative holder or holder.

(b) If the balance of the principal in the abandoned property fund exceeds five hundred thousand dollars ($500,000), the treasurer of state may, and at least once each fiscal year shall, transfer to the state general fund the balance of the principal of the abandoned property fund that exceeds five hundred thousand dollars ($500,000).

(c) If a claim is allowed or a refund is ordered under this chapter that is more than five hundred thousand dollars ($500,000), the treasurer of state shall transfer from the state general fund sufficient money to make prompt payment of the claim. There is annually appropriated to the treasurer of state from the state general fund the amount of money sufficient to implement this subsection.

(d) Except as provided in subsection (e), earnings on the abandoned property fund must be credited to the fund.

(e) On July 1 of each year, the interest balance in the abandoned property fund must be transferred to the state general fund.

Sec. 45. Property received by the attorney general under this chapter is held in custody for the benefit of the owner and is not owned by the state.

Sec. 46. (a) If the attorney general knows that property held by the attorney general under this chapter is subject to a superior claim of another state, the attorney general shall:

(1) report and pay or deliver the property to the other state;

(2) return the property to the holder so that the holder may pay or deliver the property to the other state; or

(3) pay or deliver the property to the owner if the owner makes a claim while the property is in the custody of the attorney general.

(b) The attorney general is not required to enter into an agreement to transfer property to the other state under subsection (a).

Sec. 47. (a) Property held under this chapter by the attorney general is subject to the right of another state to take custody of the property if:

(1) the property was paid or delivered to the attorney general because the records of the holder did not reflect a last known address in the other state of the apparent owner and:

(A) the other state establishes that the last

known address of the apparent owner or other person entitled to the property was in the other state; or

(B) under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(2) the records of the holder did not accurately identify the owner of the property, the last known address of the owner was in another state, and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(3) the property was subject to the custody of the attorney general of this state under section 15 of this chapter and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

(4) the property:

(A) is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered to the attorney general under section 16 of this chapter; and

(B) under the law of the other state, has become subject to a claim by the other state of abandonment.

(b) A claim by another state to recover property under this section must be presented in a form prescribed by the attorney general, unless the attorney general waives presentation of the form.

(c) The attorney general shall decide a claim under this section not later than ninety (90) days after it is presented. If the attorney general determines that the other state is entitled under subsection (a) to custody of the property, the attorney general shall allow the claim and pay or deliver the property to the other state.

(d) The attorney general may require another state, before recovering property under this section, to agree to indemnify this state and its agents, officers, and employees against any liability on a claim to the property.

Sec. 48. (a) A person claiming to be the owner of property held under this chapter by the attorney general may file a claim for the property on a form prescribed by the attorney general. The claimant must verify the claim as to its completeness and accuracy.

(b) The attorney general may waive the requirement in subsection (a) and may pay or deliver property directly to a person if:

(1) the person receiving the property or payment is shown to be the apparent owner included on a report filed under section 18 of this chapter;

(2) the attorney general reasonably believes the person is entitled to receive the property or payment; and

(3) the property has a value of less than one thousand dollars ($1,000).

(c) A person may file a claim under subsection (a) at any time not later than twenty-five (25) years after the date on which the property is presumed abandoned under this chapter, notwithstanding the expiration of any other time period specified by statute, contract, or court order during which an action or a proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property.

Sec. 49. (a) The attorney general shall pay or deliver property to a claimant under section 48(a) of this chapter if the attorney general receives evidence sufficient to establish to the satisfaction of the attorney general that the claimant is the owner of the property.

(b) Not later than ninety (90) days after a claim is filed under section 48(a) of this chapter, the attorney general shall allow or deny the claim and give the claimant notice in a record of the decision.

(c) If the claim is denied under subsection (b):

(1) the attorney general shall inform the claimant of the reason for the denial and specify what additional evidence, if any, is required for the claim to be allowed;

(2) the claimant may file an amended claim with the attorney general or commence an action under section 51 of this chapter; and

(3) the attorney general shall consider an amended claim filed under subdivision (2) as an initial claim.

(d) If the attorney general does not take action on a claim during the ninety (90) day period following the filing of a claim under section 48(a) of this chapter, the claim is deemed denied.

Sec. 50. (a) Not later than thirty (30) days after a claim is allowed under section 49(b) of this chapter, the attorney general shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under section 33 of this chapter.

(b) Property held under this chapter by the attorney general is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(1) child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

(2) a civil or criminal fine or penalty, court costs, surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(3) state or local taxes, penalties, and interest that have been determined to be delinquent or as to which notice has been recorded with the local taxing authority.

(c) Before delivery or payment to an owner under subsection (a) of property or payment to the owner of net proceeds of a sale of the property, the attorney general first shall apply the property or net proceeds to a debt under subsection (b) the attorney general determines is owed by the owner. The attorney general shall pay the amount to the appropriate state or local agency.

(d) The attorney general may make periodic inquiries of state and local agencies in the absence of a claim filed under section 48 of this chapter to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection (b). The attorney general first shall apply the property or net proceeds of a sale of property held by the attorney general to a debt under subsection (b) of an apparent owner which appears in the records of the attorney general and deliver the amount to the appropriate state or local agency.

Sec. 51. Not later than one (1) year after filing a claim under section 48(a) of this chapter, the claimant may commence an action against the attorney general in a court with jurisdiction to establish a claim that has been denied or deemed denied under section 49(d) of this chapter.

Sec. 52. If a person does not file a report required by section 18 of this chapter or the attorney general believes that a person may have filed an inaccurate, incomplete, or false report, the attorney general may require the person to file a verified report in a form prescribed by the attorney general. The verified report must:

(1) state whether the person is holding property reportable under this chapter;

(2) describe property not previously reported or about which the attorney general has inquired;

(3) specifically identify property described under subdivision (2) about which there is a dispute whether it is reportable under this chapter; and

(4) state the amount or value of the property.

Sec. 53. The attorney general, at reasonable times and with reasonable notice, may:

(1) examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;

(2) issue an administrative subpoena requiring the person or agent of the person to make records available for examination; and

(3) bring an action seeking judicial enforcement of the subpoena.

Sec. 54. (a) The attorney general may adopt rules under IC 4-22-2 governing procedures and standards for an examination under section 53 of this chapter, including rules for use of an estimation, extrapolation, and statistical sampling in conducting an examination.

(b) An examination under section 53 of this chapter must be performed under rules adopted under subsection (a) and with generally accepted examination practices and standards applicable to an unclaimed property examination.

(c) If a person subject to examination under section 53 of this chapter has filed the reports required under sections 18 and 52 of this chapter and has retained the records required by section 21 of this chapter, the following rules apply:

(1) The examination must include a review of the person's records.

(2) The examination may not be based on an estimate unless the person expressly consents in a record to the use of an estimate.

(3) The person conducting the examination shall consider the evidence presented in good faith by the person in preparing the findings of the examination under section 58 of this chapter.

Sec. 55. Records obtained and records, including work papers, compiled by the attorney general in the course of conducting an examination under section 53 of this chapter:

(1) are subject to the confidentiality and security provisions of sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(2) may be used by the attorney general in an action to collect property or otherwise enforce this chapter;

(3) may be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(4) must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter, if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(5) must be produced by the attorney general under an administrative or judicial subpoena or administrative or court order; and

(6) must be produced by the attorney general on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

Sec. 56. (a) A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

(b) A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection (a) or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

(c) A putative holder may overcome prima facie evidence under subsection (a) by establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

(1) issued as an unaccepted offer in settlement of an unliquidated amount;

(2) issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected;

(3) issued to a party affiliated with the issuer;

(4) paid, satisfied, or discharged;

(5) issued in error;

(6) issued without consideration;

(7) issued but there was a failure of consideration;

(8) voided not later than ninety (90) days after issuance for a valid business reason set forth in a contemporaneous record; or

(9) issued but not delivered to the third party payee for a sufficient reason recorded within a reasonable time after issuance.

(d) In asserting a defense under this section, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner or of custom and practice.

Sec. 57. If a person subject to examination under section 53 of this chapter does not retain the records required by section 21 of this chapter, the attorney general may determine the value of property due using a reasonable method of estimation based on all information available to the attorney general, including extrapolation and use of statistical sampling when appropriate and necessary, consistent with examination procedures and standards under section 54 of this chapter.

Sec. 58. At the conclusion of an examination under section 53 of this chapter, the attorney general or the attorney general's agent shall provide to the person whose records were examined a complete and unredacted examination report that specifies:

(1) the work performed;

(2) the property types reviewed;

(3) the methodology of any estimation technique, extrapolation, or statistical sampling used in conducting the examination;

(4) each calculation showing the value of property determined to be due; and

(5) the findings of the person conducting the examination.

Sec. 59. (a) If a person subject to examination under section 53 of this chapter believes the person conducting the examination has made an unreasonable or unauthorized request or is not proceeding expeditiously to complete the examination, the person in a record may ask the attorney general to intervene and take appropriate remedial action, including countermanding the request of the person conducting the examination, imposing a time limit for

completion of the examination, or reassigning the examination to another person.

(b) If a person in a record requests a conference with the attorney general to present matters that are the basis of a request under subsection (a), the attorney general shall hold the conference not later than thirty (30) days after receiving the request. The attorney general may hold the conference in person, by telephone, or by electronic means.

(c) If a conference is held under subsection (b), not later than thirty (30) days after the conference ends, the attorney general shall provide a report in a record of the conference to the person that requested the conference.

Sec. 60. (a) As used in this section, "related to the attorney general" means an individual who is:

(1) the attorney general's spouse, partner in a civil union, domestic partner, or reciprocal beneficiary;

(2) the attorney general's child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew;

(3) a spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under subdivision (2); or

(4) any individual residing in the attorney general's household.

(b) The attorney general may contract with a person to conduct an examination under this chapter. The contract may be awarded only under IC 5-22.

(c) If the person with which the attorney general contracts under subsection (b) is:

(1) an individual, the individual may not be related to the attorney general; or

(2) a business entity, the entity may not be owned in whole or in part by the attorney general or an individual related to the attorney general.

(d) At least sixty (60) days before assigning a person under contract with the attorney general under subsection (b) to conduct an examination, the attorney general shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.

(e) If the attorney general contracts with a person under subsection (b):

(1) the contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;

(2) a contingent fee arrangement may not provide for a payment that exceeds ten percent (10%) of the amount or value of property paid or delivered as a result of the examination; and

(3) on request by a person subject to examination by a contractor, the attorney general shall deliver to the person a complete and unredacted copy of the contract and any contract between the contractor and a person employed or engaged by the contractor to conduct the examination.

(f) A contract under subsection (b) is subject to public disclosure without redaction under IC 5-14-3.

Sec. 61. The attorney general or an individual employed by the attorney general who participates in, recommends, or approves the award of a contract under section 60(b) of this chapter on or after July 1, 2021, is subject to the ethics and conflicts of interest provisions under IC 4-2-6.

Sec. 62. (a) Not later than three (3) months after the end of the fiscal year, the attorney general shall compile and submit a report to the treasurer of state. The report must contain the following information about property presumed abandoned for the preceding fiscal year for the state:

(1) The total amount and value of all property paid or delivered under this act to the attorney general, separated into the following:

(A) The part voluntarily paid and delivered.

(B) The part paid or delivered as a result of an examination under section 53 of this chapter, separated into the following:

(i) The part received as a result of an examination conducted by a state employee.

(ii) The part received as a result of an examination conducted by a contractor under section 60 of this chapter.

(2) The name of and amount paid to each contractor under section 60 of this chapter and the percentage of the total compensation paid to all contractors under section 60 of this chapter bears to the total amount paid or delivered to the attorney general as a result of all examinations performed under section 60 of this chapter.

(3) The total amount and value of all property paid or delivered by the attorney general to persons that made claims for property held by the attorney general under this chapter and the percentage the total payments made and value of property delivered to claimants bears to the total amounts paid and value delivered to the attorney general.

(4) The total amount of claims made by persons claiming to be owners which were denied, were allowed, and are pending.

(b) The report under subsection (a) is a public record subject to public disclosure without redaction under IC 5-14-3.

Sec. 63. If the attorney general determines from an examination conducted under section 53 of this chapter that a putative holder failed or refused to pay or deliver to the attorney general property which is reportable under this chapter, the attorney general shall issue a determination of the putative holder's liability to pay or deliver and give notice in a record to the putative holder of the determination.

Sec. 64. (a) Not later than thirty (30) days after receipt of a notice under section 63 of this chapter, the putative holder may request an informal conference with the attorney general to review the determination. Except as otherwise provided in this section, the attorney general may designate an employee to act on behalf of the attorney general.

(b) If a putative holder makes a timely request under subsection (a) for an informal conference:

(1) not later than twenty (20) days after the date of the request, the attorney general shall set the time and place of the conference;

(2) the attorney general shall give the putative holder notice in a record of the time and place of the conference;

(3) the conference may be held in person, by telephone, or by electronic means, as determined by the attorney general;

(4) the request tolls the ninety (90) day period under sections 66 and 67 of this chapter until notice of a decision under subdivision (7) has been given to the putative holder or the putative holder withdraws the request for the conference;

(5) the conference may be postponed, adjourned, and reconvened as the attorney general deems appropriate;

(6) the attorney general or the attorney general's designee with the approval of the attorney general may modify or withdraw a determination made under section 63 of this chapter; and

(7) the attorney general shall issue a decision in a

record and provide a copy of the record to the putative holder and examiner not later than twenty (20) days after the conference ends.

(c) A conference under subsection (b) is not an administrative remedy and is not a contested case subject to IC 4-21.5. An oath is not required and rules of evidence do not apply in the conference.

(d) At a conference under subsection (b), the putative holder must be given an opportunity to confer informally with the attorney general and the person that examined the records of the putative holder to:

(1) discuss the determination made under section 63 of this chapter; and

(2) present any issue concerning the validity of the determination.

(e) If the attorney general fails to act within the period prescribed in subsection (b)(1) or (b)(7), the failure does not affect a right of the attorney general, except that interest does not accrue on the amount for which the putative holder was determined to be liable under section 63 of this chapter during the period in which the attorney general failed to act until the earlier of:

(1) the date the putative holder initiates administrative review under section 66 of this chapter or files an action under section 67 of this chapter; or

(2) ninety (90) days after the putative holder received notice of the attorney general's determination under section 63 of this chapter if no review was initiated under section 66 of this chapter and no action was filed under section 67 of this chapter.

(f) The attorney general may hold an informal conference with a putative holder about a determination under section 63 of this chapter without a request at any time before the putative holder initiates administrative review under section 66 of this chapter or files an action under section 67 of this chapter.

(g) Interest and penalties under section 71 of this chapter continue to accrue on property not reported, paid, or delivered as required by this chapter after the initiation, and during the pendency, of an informal conference under this section.

Sec. 65. A putative holder may seek relief from a determination under section 63 of this chapter by:

(1) administrative review under section 66 of this chapter; and

(2) after the administrative remedies under section 66 of this chapter are exhausted, judicial review under section 67 of this chapter.

Sec. 66. (a) Not later than ninety (90) days after receiving notice of the attorney general's determination under section 63 of this chapter, a putative holder may initiate a proceeding under IC 4-21.5 for review of the attorney general's determination.

(b) A final decision in an administrative proceeding initiated under subsection (a) is subject to judicial review by a court with jurisdiction.

Sec. 67. (a) Not later than ninety (90) days after the putative holder has exhausted the administrative remedies available in section 66 of this chapter, the putative holder may:

(1) file an action against the attorney general in a court with jurisdiction challenging the attorney general's determination of liability and seeking a declaration that the determination is unenforceable, in whole or in part; or

(2) pay the amount or deliver the property determined by the attorney general to be paid or delivered to the attorney general and, not later than six (6) months after payment or delivery, file an action against the attorney general in a court with jurisdiction for a refund of all or part of the amount paid or return of all or part of the property delivered.

(b) If a putative holder pays or delivers property the attorney general determined must be paid or delivered to the attorney general at any time after the putative holder files an action under subsection (a)(1), the court shall continue the action as if it had been filed originally as an action for a refund or return of property under subsection (a)(2).

(c) Upon the final determination of an action filed under subsection (a), the court may award reasonable attorney's fees to a putative holder that prevails in an action under this section.

(d) A putative holder that prevails in an action under subsection (a)(2) for a refund of money paid to the attorney general is entitled to interest on the amount refunded, at the same rate a holder is required to pay to the attorney general under section 71(a) of this chapter, from the date paid to the attorney general until the date of the refund.

Sec. 68. If a determination under section 63 of this chapter becomes final and is not subject to administrative or judicial review, the attorney general may commence an action in a court with jurisdiction over the defendant to enforce the determination and secure payment or delivery of past due, unpaid, or undelivered property. The action must be brought not later than one (1) year after the determination becomes final.

Sec. 69. (a) Subject to subsection (b), the attorney general may:

(1) exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

(2) authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder under sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 of this chapter.

(b) An exchange or examination under subsection (a) may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter or agrees in a record to be bound by this state's confidentiality and security requirements.

Sec. 70. (a) The attorney general may join another state or foreign country to examine and seek enforcement of this chapter against a putative holder.

(b) On request of another state or foreign country, the attorney general may commence action on behalf of the other state or country to enforce, in this state, the law of the other state or country against a putative holder subject to a claim by the other state or country, if the other state or country agrees to pay the costs incurred by the attorney general in the action.

(c) The attorney general may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the attorney general. The state shall pay all the costs, including reasonable attorney's fees and expenses, incurred by the other state or foreign country in an action under this subsection.

(d) The attorney general may pursue an action on behalf of this state to recover property subject to this chapter but delivered to the custody of another state if the attorney general believes the property is subject to the custody of the attorney general.

(e) The attorney general may retain an attorney in

this state, another state, or a foreign country to commence an action to recover property on behalf of the attorney general and may agree to pay attorney's fees based in whole or in part on a fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

(f) Expenses incurred by the state in an action under this section may be paid from property received under this chapter or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under this chapter by the owner.

Sec. 71. (a) A holder that fails to report, pay, or deliver property within the time prescribed by this chapter shall pay to the attorney general interest at the following rates:

(1) The annual interest rate for a period of one (1) year or less after the time required by this chapter for reporting, payment, or delivery of property is the one (1) year Treasury Bill rate published in The Wall Street Journal or its successor on the third Tuesday of the month in which the remittance was due, plus one (1) percentage point.

(2) The interest rate for each year after the initial year to which subdivision (1) applies is the one (1) year Treasury Bill rate published in The Wall Street Journal or its successor on the third Thursday of the month immediately preceding the anniversary of the due date, plus one (1) percentage point.

(b) Except as otherwise provided in sections 72 and 73 of this chapter, the attorney general may require a holder that fails to report, pay, or deliver property within the time prescribed by this chapter to pay to the attorney general, in addition to interest under subsection (a), a civil penalty of two hundred dollars ($200) for each day the duty is not performed, up to a cumulative maximum of five thousand dollars ($5,000).

Sec. 72. (a) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the attorney general may require the holder to pay the attorney general, in addition to interest under section 71(a) of this chapter, a civil penalty of one thousand dollars ($1,000) for each day the obligation is evaded or the duty is not performed, up to a cumulative maximum amount of twenty-five thousand dollars ($25,000), plus twenty-five percent (25%) of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

(b) If a holder makes a fraudulent report under this chapter, the attorney general may require the holder to pay to the attorney general, in addition to interest under section 71(a) of this chapter, a civil penalty of one thousand dollars ($1,000) for each day from the date the report was made until corrected, up to a cumulative maximum of twenty-five thousand dollars ($25,000), plus twenty-five percent (25%) of the amount or value of any property that should have been reported but was not included in the report or was underreported.

Sec. 73. The attorney general shall waive interest under section 71(a) of this chapter and penalties under sections 71(b) and 72 of this chapter if the attorney general determines the holder acted in good faith and without negligence.

Sec. 74. An agreement by an apparent owner and another person, the primary purpose of which is to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by the attorney general, is enforceable only if the agreement:

(1) is in a record that clearly states the nature of the property and the services to be provided;

(2) is signed by or on behalf of the apparent owner;

(3) states the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation to be paid to the person has been deducted; and

(4) informs the apparent owner that a claim for property held by the attorney general may be made without charge through the attorney general's office.

Sec. 75. (a) Subject to subsection (b), an agreement under section 74 of this chapter is void if it is entered into during the period beginning on the date the property was paid or delivered by a holder to the attorney general and ending twenty-four (24) months after the payment or delivery.

(b) If a provision in an agreement described in subsection (a) applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(c) An agreement under subsection (a) which provides for compensation in an amount that is unconscionable is unenforceable except by the apparent owner. Compensation for an agreement under subsection (a) is unconscionable if the fee or compensation is more than ten percent (10%) of the amount collected, unless the amount collected is fifty dollars ($50) or less, and may not exceed five thousand dollars ($5,000). An apparent owner that believes the compensation the apparent owner has agreed to pay is unconscionable or the attorney general, acting on behalf of an apparent owner, or both, may file an action in a court with jurisdiction to reduce the compensation to the maximum amount that is not unconscionable. An apparent owner that prevails in an action under this subsection may be awarded reasonable attorney's fees.

(d) An apparent owner or the attorney general may assert that an agreement described in this section is void on a ground other than it provides for payment of unconscionable compensation.

(e) This section does not apply to an apparent owner's agreement with an attorney to pursue a claim for recovery of specifically identified property held by the attorney general or to contest the attorney general's denial of a claim for recovery of the property.

Sec. 76. (a) An apparent owner that contracts with another person to locate, deliver, recover, or assist in the location, delivery, or recovery of property of the apparent owner which is held by the attorney general may designate the person as the agent of the apparent owner. The designation must be in a record signed by the apparent owner.

(b) The attorney general shall give the agent of the apparent owner all information concerning the property which the apparent owner is entitled to receive, including information that otherwise is confidential information under section 78 of this chapter.

(c) If authorized by the apparent owner, the agent of the apparent owner may bring an action against the attorney general on behalf of and in the name of the apparent owner.

Sec. 77. (a) As used in this section and sections 78, 79, 80, 81, 82, 83, and 84 of this chapter, "personal information" means:

(1) information that identifies or reasonably can be used to identify an individual, such as first and

last name in combination with the individual's:

(A) Social Security number or other government issued number or identifier;

(B) date of birth;

(C) home or physical address;

(D) electronic mail address or other online contact information or Internet provider address;

(E) financial account number or credit or debit card number;

(F) biometric data, health or medical data, or insurance information; or

(G) passwords or other credentials that permit access to an online or other account;

(2) personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

(3) any combination of data that, if accessed, disclosed, modified, or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under IC 4-1-11 and federal privacy and data security law, whether or not the attorney general or the attorney general's agent is subject to the law.

(b) A provision of this section and sections 78, 79, 80, 81, 82, 83, and 84 of this chapter that applies to the attorney general or the attorney general's records also applies to the attorney general's agent.

Sec. 78. (a) Except as otherwise provided in this chapter, the following are confidential and are exempt from public inspection or disclosure:

(1) Records of the attorney general and the attorney general's agent related to the administration of this chapter.

(2) Reports and records of a holder in possession of the attorney general or the attorney general's agent.

(3) Personal information and other information derived or otherwise obtained by or communicated to the attorney general or the attorney general's agent from an examination under this chapter of the records of a person.

(b) A record or other information that is confidential under law of this state other than this chapter, another state, or the United States continues to be confidential when disclosed or delivered under this chapter to the attorney general or the attorney general's agent.

Sec. 79. (a) When reasonably necessary to enforce or implement this chapter, the attorney general may disclose confidential information concerning property held by the attorney general or the attorney general's agent only to:

(1) an apparent owner or the apparent owner's personal representative, attorney, other legal representative, relative, or agent designated under section 76 of this chapter to have the information;

(2) the personal representative, other legal representative, relative of a deceased apparent owner, agent designated under section 76 of this chapter by the deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;

(3) another department or agency of this state or the United States;

(4) the person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the attorney general of this state if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter; and

(5) a person subject to an examination under section 55(6) of this chapter.

(b) Except as otherwise provided in section 78(a) of this chapter, the attorney general shall include on the Internet web site or in the data base required by section 25(a)(2) of this chapter the name of each apparent owner of property held by the attorney general. The attorney general may include in published notices, printed publications, telecommunications, the Internet, or other media and on the Internet web site or in the data base additional information concerning the apparent owner's property if the attorney general believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

(c) The attorney general and the attorney general's agent may not use confidential information provided to them or in their possession except as expressly authorized by this chapter or required by another law of this state.

Sec. 80. A person to be examined under section 53 of this chapter may require, as a condition of disclosure of the records of the person to be examined, that each person having access to the records disclosed in the examination execute and deliver to the person to be examined a confidentiality agreement that:

(1) is in a form that is reasonably satisfactory to the attorney general; and

(2) requires the person having access to the records to comply with the provisions of this section and sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter applicable to the person.

Sec. 81. Except as otherwise provided in sections 23 and 24 of this chapter, a holder is not required to include confidential information in a notice the holder is required to provide to an apparent owner under this chapter.

Sec. 82. (a) If a holder is required to include confidential information in a report to the attorney general, the information must be provided by a secure means.

(b) If confidential information in a record is provided to and maintained by the attorney general or the attorney general's agent as required by this chapter, the attorney general or the attorney general's agent shall:

(1) implement administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the information required by IC 4-1-11 and federal privacy and data security law whether or not the attorney general or the attorney general's agent is subject to the law;

(2) protect against reasonably anticipated threats or hazards to the security, confidentiality, or integrity of the information; and

(3) protect against unauthorized access to or use of the information which could result in substantial harm or inconvenience to a holder or the holder's customers, including insureds, annuitants, and policy or contract owners and their beneficiaries.

(c) The attorney general:

(1) after notice and comment, shall adopt and implement a security plan that identifies and assesses reasonably foreseeable internal and external risks to confidential information in the attorney general's possession and seeks to mitigate the risks; and

(2) shall ensure that the attorney general's agent adopts and implements a similar plan with respect to confidential information in the agent's possession.

(d) The attorney general and the attorney general's agent shall educate and train their employees regarding the plan adopted under subsection (c).

(e) The attorney general and the attorney general's agent shall in a secure manner return or destroy all confidential information no longer reasonably needed under this chapter.

Sec. 83. (a) Except to the extent prohibited by law other than this chapter, the attorney general or the attorney general's agent shall notify a holder as soon as practicable of:

(1) a suspected loss, misuse or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the attorney general or the attorney general's agent; and

(2) any interference with operations in any system hosting or housing confidential information which:

(A) compromises the security, confidentiality, or integrity of the information; or

(B) creates a substantial risk of identity fraud or theft.

(b) The attorney general and the attorney general's agent must comply with the requirements of IC 4-1-10 and IC 4-1-11 if an event described in subsection (a) leads to the disclosure of confidential information.

(c) If an event described in subsection (a) occurs, the attorney general and the attorney general's agent shall:

(1) take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

(2) cooperate with the holder with respect to:

(A) any notification required by law concerning a data or other security breach; and

(B) a regulatory inquiry, litigation, or similar action.

Sec. 84. (a) If a claim is made or action commenced arising out of an event described in section 83(a) of this chapter relating to confidential information possessed by the attorney general's agent, the attorney general's agent shall indemnify, defend, and hold harmless a holder and the holder's affiliates, officers, directors, employees, and agents as to:

(1) any claim or action; and

(2) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorney's fees and costs, established by the claim or action.

(b) The attorney general shall require an agent that will receive confidential information required under this chapter to maintain adequate insurance for the indemnification obligations under subsection (a). The agent required to maintain the insurance shall provide evidence of the insurance to:

(1) the attorney general not less frequently than annually; and

(2) the holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed under section 82(e) of this chapter.

Sec. 85. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 86. This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. 7001(c)), or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. 7003(b)).

Sec. 87. (a) The attorney general may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

(b) The attorney general shall adopt rules under IC 4-22-2 regarding virtual currency and digital assets.".

Delete pages 19 through 68.

Page 69, delete line 1.

Page 69, delete lines 4 through 8, begin a new paragraph and insert:

"SECTION 22. IC 34-30-2-139, AS AMENDED BY P.L.86-2018, SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 139. ~~IC 32-34-1-27 and IC 32-34-1-29~~ **IC 32-34-1.5-30** (Concerning holders of abandoned property who deliver the property to the attorney general).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 188 as printed March 25, 2021.)

YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 259

Representative Clere called down Engrossed Senate Bill 259 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 259–2)

Mr. Speaker: I move that Engrossed Senate Bill 259 be amended to read as follows:

Page 2, delete lines 24 through 34.

Page 3, line 23, after "applies" insert "**if a person having equal priority is a person with a disability.**".

Page 3, delete lines 24 through 25.

Page 4, line 18, after "Sec. 3." insert "**(a)**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"**(b) The department may not initiate an investigation with regard to a child's parent, guardian, or custodian solely because the parent, guardian, or custodian is a person with a disability. However, the department may consider the parent's, guardian's, or custodian's disability in the provision of supports and services.**".

Page 4, delete lines 35 through 42.

Page 5, delete lines 1 through 3.

Page 6, delete lines 5 through 14.

Page 7, line 36, delete "." and insert "**.**".

Page 8, delete lines 9 through 18.

Page 9, line 4, after "with" insert "**the Indiana Statewide Independent Living Council, Self-Advocates of Indiana, and The Arc of Indiana, and may collaborate with other**".

Page 9, line 5, after "disabilities" insert "**,**".

Page 9, delete lines 23 through 33.

(Reference is to ESB 259 as printed March 25, 2021.)

CLERE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 414

Representative Behning called down Engrossed Senate Bill 414 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 414–1)

Mr. Speaker: I move that Engrossed Bill 414 be amended to read as follows:

Page 5, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 6. IC 20-19-3-23 IS ADDED TO THE

INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) The department may adopt and provide to schools an early warning system or systems that:**

(1) provide actionable data on students as early as elementary school;

(2) provide metrics based on student-level data to assist in identifying potential learning loss at the student, school, and district level;

(3) research proven predictive analytics for on time high school graduation using local data to determine threshold based indicators; and

(4) may include the following:

(A) Recommendations regarding an actionable intervention plan for each student who, based on graduation indicators and multitiered systems of support, is not on track to graduate on time or prepared for postsecondary success.

(B) Summative success data by each intervention plan used by each student, student group, and school.

(b) The department may, not later than August 1, 2021, annually select one (1) or more vendors to make available an early warning system or systems described in subsection (a). The department may require that the vendor or vendors provide to the department, at least twice annually a summary report in the aggregate regarding:

(1) students who, based on graduation indicators, are not on track to graduate on time;

(2) the intervention plans implemented for the students described in subdivision (1) in attempting to ensure the students graduate on time; and

(3) whether the intervention plans described in subdivision (2) are, based on graduation indicators, successful in moving students to be on track to graduate on time and, if applicable, graduating on time for the purpose of evaluating the return on investment of intervention programs.

The information provided in subdivisions (2) and (3) may be disaggregated by grade level.".

Page 6, delete lines 1 through 31.

(Reference is to ESB 414 as printed April 1, 2021.)

BEHNING

Motion prevailed.

Representatives Klinker, Moed, Porter, Pressel and Saunders, who had been excused, are now present.

HOUSE MOTION
(Amendment 414–3)

Mr. Speaker: I move that Engrossed Senate Bill 414 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 2. IC 6-3-3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15. (a) This section applies only to a taxable year beginning after December 31, 2020, and ending before January 1, 2022.**

(b) As used in this section, "qualifying child" means a child who:

(1) was enrolled in a school corporation, charter school, or nonpublic school for the school year ending in 2021;

(2) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of an individual; and

(3) is the natural or adopted child of the individual or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code. However, the term does not include a child who received virtual instruction.

(c) As used in this section, "virtual instruction" means instruction that is provided to a student who meets the following requirements:

(1) The student was enrolled in a:

(A) virtual education program (as defined in IC 20-19-9-1);

(B) dedicated virtual education school; or

(C) virtual charter school;

on the date fixed in February 2020 by the state board for a count of students under IC 20-43-4-3.

(2) The student was enrolled in a:

(A) dedicated virtual education school; or

(B) virtual charter school;

on the date fixed in February 2021 by the state board for a count of students under IC 20-43-4-3.

(d) Each taxable year, a taxpayer is entitled to a credit against the taxpayer's (and the taxpayer's spouse's in the case of a joint return) adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year for amounts expended during the taxable year for expenses related to a qualifying child's education that were expended due to the coronavirus disease (COVID-19) pandemic. The amount of a taxpayer's credit is the lesser of:

(1) the result of:

(A) five hundred dollars ($500); multiplied by

(B) the number of the taxpayer's qualifying children; or

(2) two thousand five hundred dollars ($2,500).

Only one (1) credit per qualifying child may be claimed.

(e) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

(f) If the credit provided by this section exceeds the amount of the taxpayer's adjusted gross income tax liability for the taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section, the excess shall be refunded to the taxpayer.

(g) The department of education shall provide information to the department as needed for purposes of calculating the credit under this section.

(h) Credits provided or refunded to taxpayers under this section must be paid from the state general fund out of funds that are not otherwise expended as a result of savings accruing to the state general fund due to the use of federal funds received by Indiana under the federal American Rescue Plan Act of 2021 (ARPA Act) (P.L. 117-2).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 414 as printed April 1, 2021.)

HARRIS

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 372: yeas 27, nays 62. Motion failed.

HOUSE MOTION
(Amendment 414–4)

Mr. Speaker: I move that Engrossed Senate Bill 414 be

amended to read as follows:

Page 4, line 23, delete "includes" and insert "**include**".

Page 6, line 13, delete "school corporation," and insert "**and school corporation**".

Page 8, delete lines 2 through 26, begin a new paragraph and insert:

"SECTION 9. IC 20-27-5-5, AS AMENDED BY P.L.233-2015, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a school bus driver is required to furnish the school bus body or the school bus chassis, or both, the governing body of the school corporation may enter into a transportation contract with the school bus driver under IC 5-22.

(b) The transportation contract may include a provision allowing the school bus driver to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

(c) The governing body of a school corporation may enter into a transportation agreement with a transportation network company (as defined by IC 8-2.1-17-18) to transport students of the school corporation if the school corporation conducts an expanded criminal history check and expanded child protection index check as provided under IC 20-26-5-10 of every TNC driver (as defined by IC 8-2.1-17-19) who will transport students of the school corporation.

SECTION 10. IC 20-27-5-6, AS AMENDED BY P.L.233-2015, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The governing body of the school corporation may enter into a fleet contract with the fleet contractor under IC 5-22.

(b) The fleet contract may include a provision allowing the school bus drivers to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

(c) The governing body of a school corporation may enter into a fleet agreement with a transportation network company (as defined by IC 8-2.1-17-18) to transport students of the school corporation if the school corporation conducts an expanded criminal history check and expanded child protection index check as provided under IC 20-26-5-10 of every TNC driver (as defined by IC 8-2.1-17-19) who will transport students of the school corporation.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 414 as printed April 1, 2021.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 280

Representative Aylesworth called down Engrossed Senate Bill 280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 133

Representative Speedy called down Engrossed Senate Bill 133 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 373: yeas 72, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Pressel, who had been present, is now excused.

Engrossed Senate Bill 202

Representative Barrett called down Engrossed Senate Bill 202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 374: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Negele.

The Speaker, who had been present, is now excused.

Engrossed Senate Bill 239

Representative Heine called down Engrossed Senate Bill 239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 375: yeas 71, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Manning, who had been excused, is now present.

Engrossed Senate Bill 271

Representative Aylesworth called down Engrossed Senate Bill 271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 376: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 368

Representative McNamara called down Engrossed Senate Bill 368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 377: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Harris, who had been present, is now excused.

Engrossed Senate Bill 392

Representative Behning called down Engrossed Senate Bill 392 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 378: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Harris, who had been excused, is now present.

Engrossed Senate Bill 409

Representative Slager called down Engrossed Senate Bill 409 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 379: yeas 64, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1064.

CHERRY

Roll Call 380: yeas 78, nays 7. Motion prevailed.

Representative Pressel, who had been excused, is now present

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1118.

SCHAIBLEY

Roll Call 381: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1150.

PRESCOTT

Roll Call 382: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1168.

KARICKHOFF

Roll Call 383: yeas 88, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1169.

KARICKHOFF

Roll Call 384: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1197.

MCNAMARA

Roll Call 385: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1199.

MCNAMARA

Roll Call 386: yeas 89, nays 0. Motion prevailed.

Representative McNamara, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1246.

AUSTIN

Roll Call 387: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1285.

LINDAUER

Roll Call 388: yeas 87, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1356.

WESCO

Roll Call 389: yeas 84, nays 0. Motion prevailed.

Representative Jackson, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1437.

COOK

Roll Call 390: yeas 81, nays 6. Motion prevailed.

Representative Jackson, who had been excused, is now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1438.

COOK

Roll Call 391: yeas 86, nays 2. Motion prevailed.

Representative Wesco, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1441.

DELANEY

Roll Call 392: yeas 87, nays 0. Motion prevailed.

Representative DeVon, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1464.

CARBAUGH

Roll Call 393: yeas 86, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1516.

JUDY

Roll Call 394: yeas 80, nays 6. Motion prevailed.

Representative McNamara, who had been excused, is now present.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1101 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1198 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1200 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1454 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1468 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CLERE

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1198	Conferees:	McNamara and Pierce
	Advisors:	Jeter, Negele and Hatcher
HB 1365	Conferees:	Wesco and Pfaff
	Advisors :	Manning, Payne and Pierce
HB 1421	Conferees:	Schaibley and Austin
	Advisors:	Heaton, Lauer and Campbell

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

SB 54	Conferees:	Behning and V. Smith
	Advisors:	Davis, Thompson and Klinker
SB 175	Conferees:	Steuerwald and Moed
	Advisors:	Bartels, Mayfield and Johnson
SB 336	Conferees:	Speedy and Porter
	Advisors:	Cherry, Karickhoff and Pryor
SB 383	Conferees:	T. Brown and Porter
	Advisors:	Leonard, Goodrich and DeLaney

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 8, 2017, I signed into law House Enrolled Acts 1033, 1039, 1068, 1079, 1084, 1120, 1152, 1156, 1177, 1201, 1271, 1384, 1407, 1420, 1466, 1564 and 1576.

ERIC HOLCOMB
Governor

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 59, 68, 97, 98, 169, 204, 240, 255, 316 and 346 on April 7.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1025, 1040, 1255, 1373, 1004, 1127, 1238, 1479, 1520, 1532, 1537 and 1553 on April 7.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 361 on April 8.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Aylesworth be removed as author of House Bill 1055 and Representative T. Brown be substituted therefor.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Prescott be added as cosponsor of Engrossed Senate Bill 325.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartels and Barrett be added as coauthors of House Concurrent Resolution 10.

ZENT

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1002, 1032, 1055, 1110, 1200, 1383, 1402, 1448, 1454, 1468, 1497, 1541, 1558 and 1577 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1247, 1293 and 1309 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 38 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bill 382.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1030:

Conferees: Niemeyer and Lanane
Advisors: Rogers and MrVan

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1125:

Conferees: L. Brown and Taylor
Advisors: Gaskill, Lanane and Tallian

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1340:

Conferees: Becker and Yoder
Advisors: Breaux and Glick

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1353:

Conferees: Freeman and Qaddoura
Advisors: Sandlin and Niezgodski

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 80:

Conferees: M. Young and Taylor
Advisors: Koch and Randolph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 332:

Conferees: Buck and Lanane
Advisors: MrVan and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Gore, the House adjourned at 1:26 p.m., this eighth day of April, 2021, until Monday, April 12, 2021, at 11:00 a.m.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

STATE OF THE JUDICIARY

[Due to COVID-19 restrictions, the Chief Justice delivered her speech via video address emailed to all House of Representative members on April 7, 2021]

Chief Justice Loretta H. Rush: Welcome. Thank you for joining me for this unique State of the Judiciary. I'm Chief Justice Loretta Rush, and on behalf of my colleagues on the Supreme Court and the entire judicial branch, I am pleased to provide you with an update on the work of the courts.

The pandemic has forced all of us to face challenges we never would have expected when I stood before you last year. And while the pandemic brought our normal lives to a halt, the conflicts that our Hoosier courts resolve did not go on lockdown. With over 1.6 million cases pending, ranging from expungement to murder, we had work to do.

Your appellate courts quickly maneuvered to hear cases remotely, with judges and justices in different locations,

hearing from attorneys online. And yes, we had to say to each other and the lawyers, "I think you're on mute."

This month we are returning to our majestic courtroom to hear cases, and we're thrilled. Our trial courts are revolutionizing operations. Courts are places where many people, sometimes hundreds, come together in person, and that did not always work. So we constructed new ways to resolve disputes with safety, efficiency, and accessibility.

I am pleased to share with you how your Judiciary adapted and innovated to keep cases and vital court programs moving forward. I will also share with you how we intend to navigate the road that lies ahead, continuing the critical work of building trust and confidence in our courts. his is the story of your Indiana Judiciary. Instead of just hearing from me, we're going to hit our Hoosier highways and byways to hear from our frontline local judges.

Local Judge Introductions

Judge Julie Cantrell: I am the judge of the Lake Superior Court, County Division.

Judge Tom Stefaniak: I'm a judge in the Lake Superior Court, Juvenile Division.

Judge Nathan Nikirk: I am the judge of the Lawrence Circuit Court in Lawrence County, Indiana.

Magistrate Cristal Brisco: I serve on the Circuit Court, sitting in Mishawaka.

Judge David Riggins: I'm what you call a volume-court judge. I hear all the misdemeanors, all the small claims, all the traffic cases.

Judge Kelly Benjamin: I'm the Bartholomew County Circuit Court judge. We have a county of about 72,000, so we're kind of mid.

Judge Darrin Dolehanty: We're a mid-size county over on the east-central border of the state.

Judge Mary Ellen Diekhoff: Monroe County encompasses Bloomington, amongst other cities.

Magistrate Melanie Kendrick: I am a magistrate in probate court in Marion County, Indiana. I preside over mental health commitments, guardianships, adoptions…

Judge Richard Stalbrink: I do everything from dividing up Tupperware, to divorce, to murder cases.

Judge Hunter Reece: We're one of the few counties in the state of Indiana that doesn't have a traffic light.

Embracing Change

Chief Justice Rush: Many of us judges, court employees, and court customers got COVID. So we worked with counties and local justice partners to shift court operations when needed. Our decision-making was informed by crowded jail and detention populations, the ever-present heavy lift related to probation, public safety, community supervision, problem-solving courts—all along with staring down case backlogs. And we immediately considered the constitutional requirement to provide public access to court proceedings.

We listened to what was needed in our local communities, and judges from across the state developed plans to help our court customers get their disputes resolved.

The ingenuity and adaptability of our judges continues to amaze me. Our judges were determined to keep courts across the state operational, and technology was the key. And as I have said in the past, the judiciary continues to be grateful for the financial support from the legislative and executive branches for our technological needs.

We bought hundreds of Zoom licenses and laptops and we even built our own application to host live court proceedings online to make them available to the public. And you know what, people watched. Meet Judges Hunter Reece of Warren County and Elkhart County Judge Michael Christofeno. They are among the hundreds of judges who took part in over tens of thousands of remote hearings this past year.

Judge Hunter Reece: When zoom licenses became available from the Indiana Supreme Court, we purchased a 360-degree camera that sits in the center of the court, in front of the bench, to allow people to see all aspects of the courtroom. It automatically focuses on litigants. It focuses the microphones on the litigants. This zoom technology allows not only litigants to participate but allows us to stream that service to the public at large.

Judge Michael Christofeno: I was totally against doing hearings remotely for a host of reasons. It was painfully obvious to me early on that if I was going to conduct any hearings in my courtroom, I would have to embrace technology. I am a total convert. I love it.

Keeping Court in Session

Chief Justice Rush: For some, social distancing and creative planning allowed court to go on as scheduled, including jury trials. For example, Vanderburgh County Judge Les Shively praises county officials.

Judge Les Shively: Were able to take our high-volume courts and move them to this convention center facility where we had adequate spacing, adequate room sizes to accommodate—as I said, large-volume courts—and also to assist in jury selection when we were doing jury trials. And so as a result, we have been able to keep our caseload, and again, we were very fortuitous to have this facility so sort of close proximity to the courthouse. And it was a win-win situation, because COVID relief money that the county received basically "paid the rent" to be able to use this convention facility. So, turned out to be a win-win proposition.

Chief Justice Rush: Like hundreds of thousands of Hoosiers, some of our judges experienced firsthand the difficulties when they tested positive. The story of St. Joseph County Magistrate Cristal Brisco shows their resolve.

Magistrate Cristal Brisco: I immediately became concerned like everyone with that diagnosis of, "how would that impact my health." But I also was very concerned with, "how would I be able to effectively continue to do my job." I was increasingly fortunate and, as well as other members of the judiciary, to be able to pivot to the Zoom hearings; it was a very seamless transition.

Chief Justice Rush: Judge David Riggins, of Shelby County, is able to joke now that he was always an early adopter—but he was our first judge to get the virus. Recovering early on gave him a strong commitment to personally keep his courtroom safe and sanitized.

Judge David Riggins: I finally get to be a Ghostbuster for real. We've got this huge thing that we can disinfect the entire courtroom with. I'll strap that puppy on, and we'll disinfect the entire courtroom in just honestly a few seconds; it makes it a lot easier. We go through by hand and disinfect common-touch surfaces at least twice a day: at night when we're done and at noon. We've separated the courtroom quite a bit. In fact, I can show you what the courtroom looks like here. This was my jury box over here, and we had all those chairs sitting in the jury box. We could put 12 people in there pretty comfortably in those chairs. Well, we have since taken all the chairs and put them across the back of the courtroom and spaced them out. And now we just have the benches over there. So we don't have a lot of room in this courtroom. As you can see, it's a pretty small courtroom, but we can put about 20 people we think in here safely-seated apart—and we'll do that.

Causes for Celebration

Chief Justice Rush: Judges have responsibilities that include happy occasions, and we did not want those to stop. In the midst of shared community pain, there was also shared joy—through weddings and adoptions. Judges Julie Cantrell and Nathan Nikirk can tell you more.

Judge Julie Cantrell: Because of the pandemic, their wedding was cancelled. And April 7 [2020] was a very special date for them, so they really wanted to get married on April 7. So he called me. We did the legal part, where we signed the marriage license, six foot apart outside, all masked up. But then to do the actual ceremony, so their family and friends could celebrate with them, we did a Facebook Live wedding. I was at my home; they were at their home; all their friends and family were at their home.

Judge Nathan Nikirk: So one of the things we do to make sure that the children still have that feeling of a kind of a party atmosphere—because it is a big day for the kids and the family—we allow as many people on the Zoom meeting as we can. I've had upwards of 55 people in Zoom—uncontested adoptions. The children line up usually with me in the courtroom, but on Zoom we're doing that, and I mail them a little gavel after the hearing [and] a personal letter from myself, thanking them for letting me be a part of their big day.

Chief Justice Rush: You've heard the saying: "necessity is the mother of all invention." In some instances, the ability to meet with people remotely actually improved court accessibility andinteraction. Meet Lake County Judge Tom Stefaniak who handles a docket dedicated to children.

Judge Tom Stefaniak: We found that we have greater participation by parents and litigants in their proceedings because they no longer have to arrange for childcare; for those that don't have their own vehicle—hire someone to drive them to court. Now wherever they're at, off their mobile phone, what used to take half or three-quarters of a day for them, takes about 10 minutes or whatever the length of the hearing is.

Helping Those in Need

Chief Justice Rush: Trial court judges, often with chambers right on their town square, see firsthand the need for a legal matter to be decided swiftly and with fairness. Judge John Evans presides in the historic town of Corydon. Keeping his court running for what seemed a simple title matter turned out to resolve a housing crisis for one woman.

Judge John Evans: I can remember one case in particular early on; we had to hold a hearing in person, concerning an application for a motor vehicle title. When the case was over, the family member who had come with the petitioner gave a little cheer and said, "hooray, now you don't have to live out of your car anymore!" Apparently, the woman had purchased a mobile home from a seller who didn't have a title certificate. That's not really that uncommon, concerning older motor vehicles, but she wasn't able to move the mobile home from the sellers' location to her property without that title. Certainly, having that hearing, getting the title, and moving the mobile home onto her property so she could move in was a priority for her and not something that can be put off for just another day.

Chief Justice Rush: Sadly, the human toll of the pandemic has exacerbated behavioral health needs for many Hoosiers. One area where it is crucial to push for success is in our expanded use of problem-solving courts. These courts use a collaborative model that enables individuals to take responsibility but also turn their lives around and be brought back into their communities as productive citizens. Meet Judges Jon Cleary and Maria Granger, who are two of our judicial leaders in these specialized dockets.

Judge Jon Cleary: As a state, we are approaching 127 certified problem-solving courts, and we are bravely extending the reach of these courts to every Hoosier in need. There is no magic here;we are teaching, sharing wisdom, and building healthy relationships. Problem-solving courts save lives.

Judge Maria Granger: In fact, we started a brand-new problem-solving court for families: Family Hope Court. Because we knew that this prolonged period of separation was no time to take our foot off the gas for life-saving programs. And it became quickly clear to us that the structured accountability and the all-around support of problem-solving justice are equally accessible in the virtual courtroom.

Chief Justice Rush: A Marion County Judge saw an increase in mental health hearings and worked to make sure every person had a timely full and fair hearing. Here's Magistrate Melanie Kendrick.

Magistrate Melanie Kendrick: The one thing that I was concerned about personally was when you have mental health hearings, you have a lot of people who are experiencing paranoia and delusion. And even prior to going remote, there were people who would be paranoid about coming to court or paranoid about being near a computer. And sometimes their paranoia and delusions play into their ability to want to participate in the proceedings. And so I was afraid that would be common, and surprisingly it really hasn't. And so, the remote hearings have actually been very nice, I think, for everyone involved, because the patient is able to participate; the attorneys are able to participate; the doctors are able to participate. Everybody's safe. Of course, it's not ideal. We would all like to be in a courtroom to have the face-to-face interaction. But it has gone really well with what we've done in this past year.

Chief Justice Rush: A substantial portion of our Hoosier court cases involves our most vulnerable populations: abused and neglected children, victims of violence, and our elder populations. Court protections had to remain in place, and our network of Court Appointed Special Advocates is just one example of the critical need to maintain contact. Volunteers likeVerdell Releford worried about children in distress, and she reached out to her CASA kids.

Verdell Releford: I'm usually very hands on, and I like to visit my kiddos and the families. Zoom has been really a good replacement. I mean, it's really been good. I can see the family setting and [the children] interacting with other children in the home.

Juvenile Detention Alternatives Initiative

Another way our judicial system improves public safety while promoting equity in juvenile justice is through the Juvenile Detention Alternatives Initiative. There are 33 Indiana JDAI counties. Here is Wayne County Judge Darrin Dolehanty and Probation Officer Kory George discussing how locking up fewer children actually leads to less crime in their community.

Judge Darrin Dolehanty: The goal is really [to] detain those children for whom secured detention is required for the safety of the child and the child's community. We say it all the time, "detain the right children, in the right place, for the right amount of time." That's JDAI. Probation Officer Kory George: We went from just trying to keep them out of detention or come up with better alternatives to actually now working closely with our school and community partners to provide resources [so] that kids may not get arrested at all.

Pretrial Reform

Chief Justice Rush: Never has the hard work of pretrial reform been more important than this past year. An essential step to responsible management of county jail populations and costs isusing an approved, evidence-based risk assessment system. However, this does not eliminate the bail system. I repeat, it does not eliminate the bail system.

This process allows courts to have more information and to identify candidates for collaborative justice models and get them to treatment—rather than simply jailing them—and allows thoseindividuals to continue their employment, maintain housing, and support their families. A huge thank you to the governor and legislative leadership for so much help in these reforms. Let's hear from Monroe County Judge Mary Ellen Diekhoff on how it is working in her county.

Judge Mary Ellen Diekhoff: There is an assessment that is done by our trained probation staff, who meets with individuals who have been incarcerated; ask them questions according to the assessment, receive a score, and then that information is given to the judge to make a decision about release. On the team involved in this are members of law enforcement, the prosecutor's office, public defenders, the defense bar, and other community members.

Judicial Branch Independence

Chief Justice Rush: Our partners in justice do not always agree with one another. In fact opposite sides of an issue or a court case can become locked in dispute. But civil discourse and discussion over the facts of a case or how to guide the system unites us. We are all working hard as a third, co-equal branch of government, and that independence makes the entire system stronger. Meet Bernice Corley and Chris Naylor.

Chris Naylor: When we look at enterprise-wide system enhancements, that's when we work to be civil in an uncivil world. We have outstanding people working throughout the system. So we owe it each other, and we owe it to Hoosiers. Number one, we need better outcomes in our justice system. We all recognize that. So how do you go about doing that? Do you remain isolated in your silos? Or do you work together? Do you build consensus in identifying problems and working together for solutions?

Bernice Corley: The judicial branch and its independence are vital to a vibrant Indiana. One of the strengths of the judicial branch is our incredible diversity—not just of our members and their thoughts but also their function. But the beauty of our diversity and the strength of that is that we all come together, and we have a true north. Our true north is Indiana's Constitution and constitutionality. So as we come together collaboratively to solve problems from our diverse perspectives and insight, we're all solving toward the same

end for solutions that are constitutional and also with justice in mind and fairness in mind.

Racial Equity

Chief Justice Rush: Complacency can never be the norm in providing justice. We need to constantly be more attuned to the needs of those who stand before our benches daily. Our courts work to provide equal justice just as the constitution promises. But despite all we are doing, the notion of equal justice for all remains elusive to some persons of color in matters across the legal spectrum. What we strive for and what we have reached can be two different things. There's much work to be done.

Our judges around the state are taking the lead and convening community forums to tackle issues of race and equity in the justice system. Here is just one example from Judge Kelly Benjamin of Bartholomew County.

Judge Kelly Benjamin: We're going to move forward but do it together—not in our silo, not just law enforcement, not just social services, not just the courts, not just employers, not just people in our community—all of us together. Sitting down and knowing that together we are moving forward. That's the education part. That's getting to know the other side. That is what's going to allow us with purpose to move forward.

Strategic Planning

Chief Justice Rush: Our Hoosier judiciary must bring both vision and action to the pursuit of justice. This past year, our judges adopted a 10-year strategic plan to strive for greater accountability and access to justice. The plan galvanizes our branch to its core values to improve our system of justice under the rule of law while protecting liberties through an impartial system. Let's hear from Grant County Judge Mark Spitzer and LaPorte County Judge Richard Stalbrink.

Judge Mark Spitzer: The seven issues that we landed on were security, technology, clerk functions, court system structure, judicial selection, centralized funding, and access to justice. A big issue for us was access to justice, and that certainly ties into some of the conversations that we, as a nation, we have been having with regards to access to justice.

Judge Richard Stalbrink: I exactly see hopefulness as one of the key words. When the Strategic Plan[ning] Committee first looked at these issues—remember, the pandemic didn't exist—we began these ideas and these concepts three years ago. And as we pushed forward, it was obvious that our vision and our thoughts were correct, because, when the pandemic hit, it pushed us and caused us to have to put what we have already planned into place. And because we had planned things early, we were able to put them into place quicker. I think

"hopefulness"—and "hope"—is a great word, and I think it's a word that our nation needs and our Hoosiers need right now.

Giving Thanks

Chief Justice Rush: Those courts that I highlighted today on our tour are just a small sample of the extraordinary work and heavy lifting done by our courts, staff, and justice partners this past year. We are also so fortunate to have legislative leaders and a governor who understand what happens in our courts [and] share our vision and commitment to solving the problems that bring people to court, and you work with us in the spirit of mutual respect. There are better times ahead, and rest assured, your Indiana judiciary is strong and ever poised to meet the challenges of the future.

May God continue to bless all of you and our great state